

Depo 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4

5 CISCO SYSTEMS, INC., a
6 California corporation;
7 et al.,

8 Plaintiffs,

9 vs.

No. 4:18-cv-07602 YGR

10 ZAHID "DONNY" HASSAN SHEIKH,
11 an individual; et al.,
12 Defendants.
13 _____/

14 ADVANCED DIGITAL SOLUTIONS
15 INTERNATIONAL, INC., A
16 California corporation,
17

18 Third-party Plaintiff,

19 vs.

20 RAHI SYSTEMS, INC., a
21 California corporation,
22 et al.
23

24 Third-party Defendants.
25 _____/

DEPOSITION OF THERESA LAU

26 DATE: December 16, 2019

27 TIME: 12:53 p.m.

28 LOCATION: San Francisco, California

29 REPORTED BY: BENJAMIN GERALD, CSR

California CSR No. 14203

Washington CSR No. 3468

30 JOB NO.: 172510

1 BY MS. HE:

2 Q. So is 6172 Corte Padre a residential address?

3 A. Yes.

4 Q. And does it belong to Kamran?

5 MR. BASTIDA: Calls for speculation.

6 THE WITNESS: Yes, it does.

7 BY MS. HE:

8 Q. And Kamran owns Pure Future Tech?

9 A. Yes.

10 Q. Under the section that says "email address," do
11 you see that?

12 A. Yes.

13 Q. What email address did you list?

14 A. cs@purefuturetechnology.com.

15 Q. Who's email address is this?

16 A. This is a shared -- shared mailbox.

17 Q. Who has access to this mailbox?

18 A. Sam. That's all I can remember.

19 Q. Do you recall if multiple people had access to
20 this email address?

21 A. Yes.

22 Q. Do you recall if Kamran has access to this
23 email address?

24 A. He does, yes.

25 Q. Did you have access to this email address while

1 BY MS. HE:

2 Q. Who else?

3 A. Freddy's credit card, as well. That's all I
4 can remember.

5 Q. And when you refer to Freddy's credit card, is
6 that a business card?

7 A. Yes.

8 Q. Have you ever used his personal card?

9 A. No.

10 Q. Have you ever used Kamran's personal card?

11 A. Yes.

12 Q. For what kind of matters?

13 A. For Kamran's personal bills.

14 Q. Did you ever use Kamran's personal number for
15 work-related matters?

16 A. No.

17 Q. So do you know why Pure Future Tech opened up a
18 UPS box in Portland?

19 A. I don't know.

20 Q. Do you have any connections, any family members
21 in Portland?

22 A. I don't.

23 Q. Do you have any friends in Portland?

24 A. I do not.

25 Q. Do you -- does ADSI -- excuse me -- does Pure

1 Future Tech have any customers in Portland?

2 MR. BASTIDA: Objection. Calls for
3 speculation.

4 THE WITNESS: I don't know.

5 BY MS. HE:

6 Q. Why did you fill out this mailbox service
7 agreement?

8 MR. BASTIDA: Asked and answered.

9 THE WITNESS: Kamran asked me to.

10 BY MS. HE:

11 Q. Do you know if someone instructed Kamran to
12 complete this form?

13 A. I don't know.

14 Q. Did Kamran tell you why you were filling out
15 this form?

16 A. He did not.

17 Q. How did Kamran assign you to fill out this
18 agreement?

19 MR. BASTIDA: Objection. Vague.

20 THE WITNESS: He asked me to find a UPS box in
21 Portland, Oregon and to open an account.

22 BY MS. HE:

23 Q. How did you find a UPS box in Portland, Oregon?

24 A. I went on to -- I went to the UPS site and
25 looked at their locations in -- located in Portland,

1 Oregon.

2 Q. How did you choose a particular UPS location in
3 Portland, Oregon?

4 A. I looked at their Yelp reviews and just picked
5 one that seemed to have pretty good reviews.

6 Q. And did you talk to anybody at ADSI regarding
7 this UPS box in Portland, Oregon?

8 MR. BASTIDA: Objection. Vague.

9 THE WITNESS: I know Kamran.

10 BY MS. HE:

11 Q. So you didn't talk to anybody else at ADSI
12 regarding this UPS box in Portland, Oregon?

13 A. I've probably -- I've discussed shipments with
14 Jessica and Sam, about shipments that arrived here.

15 Q. What did you discuss with Jessica regarding
16 shipments that arrived at the UPS box in Portland,
17 Oregon?

18 A. The current statuses, whether they've been
19 forwarded to our Fremont UPS box or not.

20 Q. And did Jessica know when you asked her these
21 kinds of questions?

22 MR. BASTIDA: Objection. Vague. Calls for
23 speculation.

24 THE WITNESS: I only asked -- well, yes. I
25 guess.

1 A. Sam.

2 Q. Did Jessica have access to the cs@ email
3 address?

4 MR. BASTIDA: Objection. Calls for
5 speculation.

6 THE WITNESS: I'm not sure.

7 BY MS. HE:

8 Q. Did Pure Future Tech have any employees?

9 A. No.

10 MR. BASTIDA: Calls for speculation.

11 THE WITNESS: No.

12 BY MS. HE:

13 Q. Why did Pure Future Tech send shipments to the
14 UPS store instead of its mailing address?

15 MR. BASTIDA: Objection. Foundation. Calls
16 for speculation.

17 THE WITNESS: I don't know.

18 BY MS. HE:

19 Q. Who -- how did Pure Future Tech retrieve
20 shipments from the UPS store in Portland, Oregon?

21 MR. BASTIDA: Same objection.

22 THE WITNESS: The shipments were forwarded to
23 the Fremont UPS store and then picked up from there.

24 BY MS. HE:

25 Q. Who instructed the UPS in Portland, Oregon to

1 ship it to the Fremont location?

2 A. I did.

3 Q. And who told you to instruct the UPS store to
4 do that?

5 A. Kamran.

6 Q. Did anyone instruct Kamran to do that?

7 MR. BASTIDA: Calls for speculation.

8 THE WITNESS: I don't know.

9 BY MS. HE:

10 Q. When Kamran instructed you to instruct the UPS
11 store to ship packages to the Fremont UPS location, did
12 he say anything else?

13 A. No.

14 Q. Who picked up the shipment at the Fremont UPS
15 box?

16 MR. BASTIDA: Objection. Compound. Calls for
17 speculation.

18 THE WITNESS: The Fremont box, right?

19 BY MS. HE:

20 Q. Yes.

21 A. Imran or any of our warehouse workers.

22 Q. And what would they do with it after they
23 picked it up?

24 MR. BASTIDA: Same objections.

25 THE WITNESS: I don't know.

1 MS. HE: Okay. This is going to be Exhibit 29.

2 (Exhibit 29 was marked for identification.)

3 BY MS. HE:

4 Q. Ms. Lau, can you please take a look through
5 these documents, and let me know when you're done.

6 A. I'm finished.

7 Q. Okay. You are a quick reader.

8 Do you recognize this document?

9 A. Yes.

10 Q. What is it?

11 A. It's the UPS application -- UPS store
12 application to open a mailbox.

13 Q. Did you complete this -- this form?

14 A. Yes, I did.

15 Q. Can you look at the box number 16.

16 Is that your signature?

17 A. Yes.

18 Q. And is the rest of this, Section 5, for
19 example; and A, regarding driver's license; B, passport;
20 is that your writing?

21 A. Yes.

22 Q. And what company is listed in box number two?

23 A. Pure Future Tech.

24 Q. Were you an employee of Pure Future Tech when
25 you completed this form?

1 A. No.

2 Q. Why did you put Pure Future Tech as the company
3 under Box 2?

4 A. I was told to put Pure Future Tech as the
5 company name.

6 Q. Who instructed you to put Pure Future Tech as
7 the company name?

8 A. Kamran did.

9 Q. Did Kamran explain why he wanted you to put
10 Pure Future Tech as the company name?

11 A. No, he did not.

12 Q. And during this time, were you an employee at
13 ADSI?

14 A. Yes.

15 Q. Did you ask him why you were performing this
16 task on behalf of Pure Future Tech and not ADSI?

17 A. No, I did not.

18 Q. Did you ever question that? Did you ever
19 wonder why?

20 A. Yes, I did.

21 Q. Did you investigate into this?

22 MR. BASTIDA: Objection. Vague.

23 THE WITNESS: No, I did not.

24 BY MS. HE:

25 Q. Did you ask anyone else at ADSI why you were

1 A. I don't know.

2 MR. BASTIDA: Objection. Calls for
3 speculation.

4 BY MS. HE:

5 Q. Do you know who Nabia Uddin is?

6 A. Yes.

7 Q. Who is she?

8 A. She was the purchaser for ADSI while I was at
9 ADSI.

10 Q. Have you heard of Uddin Networks?

11 A. No.

12 Q. Okay. Are you aware that ADSI imported goods
13 that Customs seized?

14 A. Yes.

15 Q. And how did you learn about this?

16 A. They would -- Customs would send mail to the
17 UPS boxes that would eventually make their way to ADSI.

18 Q. And what was this mail that Customs would send
19 to the UPS boxes?

20 A. Thick envelopes. I don't know what was inside.

21 Q. So you don't know what was inside, but you do
22 know that the letters were from CBP -- or the packages
23 were from CBP?

24 A. It would say "US Customs" on the envelope.

25 Q. Got it. Did these UPS box receive any other

1 types of mail, other than packages and shipments?

2 MR. BASTIDA: Calls for speculation.

3 THE WITNESS: Not that I know of.

4 BY MS. HE:

5 Q. Okay. Are you aware that Customs sent ADSI a
6 seizure notice regarding seized goods?

7 A. Yes.

8 Q. How did you become aware of these notices?

9 A. I believe they were one of the Customs
10 envelopes that they sent. When I first saw them, I
11 opened one or two to see what they were, and one of them
12 was, like, a seizure. I would pass them on to Kamran.

13 Q. So what kind of envelopes did you open when --
14 when you received them from the UPS box?

15 MR. BASTIDA: Objection. Vague. Compound.

16 THE WITNESS: They were white envelopes, pretty
17 thick. Normal letter-sized envelopes.

18 BY MS. HE:

19 Q. Who delivered these white envelopes to you?

20 MR. BASTIDA: Objection. Mischaracterizes
21 witness' testimony. Calls for speculation. Vague.

22 THE WITNESS: The warehouse -- whoever in the
23 warehouse would pick up the packages from the UPS box.

24 BY MS. HE:

25 Q. So when did you -- so when warehouse -- excuse

1 me -- when the warehouse delivered these UPS packages to
2 you, how did you decide to open them?

3 A. Back then, I opened all the mail for ADSI, so I
4 only opened them to see what I should be doing with the
5 mail I got.

6 Q. So when you said "back then," do you know the
7 timeline that you're referring to?

8 A. I would say before late 2018.

9 Q. Before late 2018.

10 So before late 2018, you would open all of the
11 packages or envelopes that the warehouse would deliver
12 to you from the UPS box; is that correct?

13 A. No, I stopped opening the Customs envelopes
14 after a while.

15 Q. But before late 2018, did you continue to open
16 up these envelopes?

17 A. No.

18 Q. When did you start opening up these envelopes?

19 A. I don't remember.

20 Q. Did you open up any packages?

21 A. No, I didn't.

22 Q. Did you ever open up a package delivered from
23 the warehouse from the UPS store?

24 A. No, I didn't.

25 Q. You testified earlier that back then, you

1 opened all the mail for ADSI.

2 What did you mean by "all the mail"?

3 A. The mail that came from the USPS post office,
4 except for packages.

5 Q. So you opened up all the mail for ADSI that
6 came from the USPS.

7 Did you open up all the mail from the UPS box
8 that the warehouse would deliver to you?

9 A. No, I did not.

10 Q. So did CBP -- sorry.

11 Did Customs ever send seizure notices via
12 US mail?

13 MR. BASTIDA: Objection. Calls for
14 speculation.

15 THE WITNESS: I don't know.

16 BY MS. HE:

17 Q. Did the seizure notices that you saw come from
18 the UPS box?

19 A. Yes.

20 Q. Which one?

21 A. I don't know.

22 Q. Do you know if any of the seizure notices from
23 Customs came from the Portland, Oregon UPS box?

24 A. I don't know.

25 Q. Do you know if any of the Customs notices came

1 from the Reno, Nevada UPS box?

2 A. Yes.

3 Q. Did you read through the notices?

4 A. No.

5 Q. Did you read it enough to determine that it was
6 a seizure notice?

7 A. Well, yeah. Yeah. Just enough to do that.

8 Q. And what did you do when you realized it was a
9 seizure notice from Customs?

10 A. I brought it to Kamran.

11 Q. Did Kamran say anything when you brought these
12 notices to him?

13 A. Only to continue bringing him these notices.

14 Q. Okay. Do you know who else had knowledge of
15 these seizures?

16 A. I don't.

17 Q. Do you know if Shahid had knowledge of these
18 seizures?

19 A. I don't know.

20 Q. What about Roya?

21 A. I don't know.

22 Q. What about Kamran?

23 A. Yes.

24 Q. And what about Farhaad, or Freddy?

25 A. I don't know.

1 CERTIFICATE

2 I, BENJAMIN GERALD, Certified Shorthand Reporter,
3 Certificate No. 14203, for the State of California do
4 hereby certify:

5 That prior to being examined, the witness named in
6 the foregoing deposition was by me duly sworn to testify
7 to the truth, the whole truth, and nothing but the truth
8 in the within-entitled cause;

9 That said deposition was taken shorthand at the
10 time and place herein named;

11 That the deposition is a true record of the
12 witness's testimony as reported to the best of my
13 ability by me, and was thereafter transcribed to
14 typewriting by computer under my direction;

15 I further certify that I am not interested in
16 the outcome of said action, nor am I connected with, nor
17 related to any of the parties in said action, nor to
18 their respective counsel.

19 Witness my hand this 27th day of December, 2019.

20 

21 _____
22 BENJAMIN GERALD, CSR No. 14203

23 STATE OF CALIFORNIA
24
25

Depo 2

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

---oOo---

CISCO SYSTEMS, INC., a
California corporation,
et al.,

Plaintiffs,

vs.

No. 4:18-cv-07602 YGR

ZAHID "DONNY" HASSAN SHEIKH,
an individual, et al.,

Defendants.

ADVANCED DIGITAL SOLUTIONS
INTERNATIONAL, INC., a
California corporation,

Third-Party Plaintiff,

vs.

RAHI SYSTEMS, INC., a California
corporation, et al.,

Third-Party Defendants.

DEPOSITION OF JESSICA LITTLE
SAN FRANCISCO, CALIFORNIA
FRIDAY, OCTOBER 11, 2019

Reported by:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR
California CSR No. 9830
Job No. 169011

1 myself on the advisement of my counsel.

2 Q Did you confess to your employer that you
3 were committing crimes at ADSI?

4 A I respectfully decline to answer your
5 question on the grounds that I might incriminate
6 myself on the advisement of my counsel.

7 Q Did you confess to your employer that you
8 were conducting counterfeiting at ADSI?

9 A I respectfully decline to answer your
10 question on the grounds that I might incriminate
11 myself on the advisement of my counsel.

12 Q Did you conduct counterfeiting operations at
13 ADSI?

14 A I respectfully decline to answer your
15 questions on the grounds that I might incriminate
16 myself and on the advisement of counsel.

17 Q Is it a fact that you did conduct
18 counterfeiting operations at ADSI?

19 A I respectfully decline to answer your
20 question on the grounds that I might incriminate
21 myself and on the advisement of counsel.

22 Q How did you come to be employed at ADSI?

23 A I respectfully decline to answer your
24 question on the grounds that I might incriminate
25 myself and on the advisement of counsel.

1 Q I'm asking you to put Exhibit 20 in front of
2 you, which is the one-page verification.

3 MR. POLVERINO: This one.

4 MR. NELSON: Q. Is that your signature on
5 Exhibit 20?

6 A Yes.

7 Q Okay. And then, going back to Little 4, next
8 to the signature of Jessica Little, it has the date,
9 and it says 4/29/16.

10 Did you write that?

11 A I respectfully decline to answer your
12 question on the grounds that I might incriminate
13 myself and on the advisement of counsel.

14 Q Isn't it a fact that, in April of 2016, you
15 arranged for a UPS mailbox in Reno, Nevada, for a
16 company by the name of McIntosh Networks?

17 A I respectfully decline to answer your
18 question on the grounds I might incriminate myself and
19 on the advisement of counsel.

20 Q Let's go to the next page, which is Little 5.
21 The date on the top is 4/26/16, which is actually
22 three days before the date on Little 4, but it's in
23 the same ballpark. It shows here, if you look in the
24 middle of the document, for the name on which -- to
25 which applicant's mail will be received, it says

1 MR. NELSON: Q. And you're asserting your
2 Fifth Amendment as to that question?

3 A Yes.

4 Q That leads me to believe that there's a
5 possibility that you might have been observing him do
6 counterfeiting activities while you yourself were
7 doing counterfeiting activities; is that a fair
8 statement?

9 MR. POLVERINO: Objection; compound;
10 argumentative; and it's an assumption, counsel's
11 assumption.

12 MR. NELSON: Q. You can answer.

13 A I respectfully decline to answer your
14 question on the grounds that I might incriminate
15 myself and on the advisement of counsel.

16 Q But we've established that you -- that you
17 know a person named Imran Hussein; correct?

18 A Yes.

19 Q Have you ever discussed Cisco products with
20 him?

21 A I respectfully decline to answer your
22 question on the grounds that I might incriminate
23 myself and on the advisement of counsel.

24 Q Have you ever seen him print Cisco labels?

25 A I respectfully decline to answer your

1 question on the grounds that I might incriminate
2 myself and on the advisement of counsel.

3 Q Did you see him print Cisco labels without
4 having anything yourself to do with it?

5 A I respectfully decline to answer your
6 question on the grounds that I might incriminate
7 myself and on the advisement of counsel.

8 Q And the reason it may incriminate you is
9 because you worked with him to make Cisco labels and
10 to apply them to products; isn't that true?

11 A I respectfully decline to answer your
12 question on the grounds that I might incriminate
13 myself and on the advisement of counsel.

14 Q Are you denying that you applied counterfeit
15 Cisco labels to products?

16 A I respectfully decline to answer your
17 question on the grounds that I might incriminate
18 myself and on the advisement of counsel.

19 Q Let's break that question up into pieces.

20 Do you know what a Cisco product is?

21 MR. POLVERINO: Vague and uncertain.

22 MR. NELSON: Okay.

23 Q Do you believe -- is there something about
24 that question that -- that you think, Ms. Little, is
25 vague? I'll try to clarify it for you.

1 of, to obtain a UPS box in Reno, Nevada, to receive
2 products for ADSI?

3 A I respectfully decline to answer your
4 question on the grounds that I might incriminate
5 myself and on the advisement of counsel.

6 Q I'll represent to you that Zahid Sheikh --
7 let me ask you a question. Zahid Sheikh is owner of
8 ADSI; correct?

9 A Yes.

10 Q I'll represent to you that Zahid Sheikh knew
11 of no reason to receive products in Reno, Nevada.
12 There's no salespeople there. There's no customers
13 there.

14 Can you think of any reason why ADSI would
15 need to receive products in Reno, Nevada?

16 A I respectfully decline to answer your
17 question on the grounds that I might incriminate
18 myself and on the advisement of counsel.

19 Q Let me just rephrase that.

20 Can you think of any lawful reason for ADSI
21 to receive products in Reno, Nevada?

22 A I respectfully decline to answer your
23 question on the grounds that I might incriminate
24 myself and on the advisement of counsel.

25 Q And just to be fair, I'm giving you a chance

1 to provide a lawful reason. Not an unlawful reason.

2 So the answer would -- would actually not incriminate
3 you.

4 Is there any reason that you can think of,
5 lawful reason, noncriminal reason, to receive products
6 in Reno and have them brought down to Fremont,
7 California?

8 A I respectfully decline to answer your
9 question on the grounds that I might incriminate
10 myself and on the advisement of counsel.

11 Q Do you know how Nabia Uddin identified
12 vendors to sell Cisco products to ADSI?

13 He's pointing at your paper again, ma'am.

14 A I respectfully decline to answer your
15 question on the grounds that I might incriminate
16 myself and on the advisement of counsel.

17 Q Did you ever have any discussions with Nabia
18 Uddin requesting that she not get you involved in
19 anything illegal?

20 A I respectfully decline to answer your
21 question on the grounds that I might incriminate
22 myself and on the advisement of counsel.

23 Q Did you ever express any concern to Nabia
24 Uddin that she was doing something illegal?

25 A I respectfully decline to answer your

1 to answer your question on the grounds that I might
2 incriminate myself and on the advisement of counsel.

3 MR. NELSON: Q. And I don't want you to
4 speculate.

5 MR. POLVERINO: Excuse me, Counsel. I would
6 also object to that last question on a foundational
7 basis.

8 MR. NELSON: Okay. Sure. Let's unpack it.

9 Q I mean, so as you see in this paragraph, a
10 former colleague of yours has claimed that you were
11 involved in a counterfeit operation using a PO Box, a
12 UPS box in Reno.

13 My question to you is: Do you deny it?

14 A I respectfully decline to answer your
15 question on the grounds that I might incriminate
16 myself and on the advisement of counsel.

17 Q Is there any reason you can think of that
18 Ms. Uddin would provide false information about you?

19 A I respectfully decline to answer your
20 question on the grounds that I might incriminate
21 myself and on the advisement of counsel.

22 MR. POLVERINO: Additionally, it calls for --

23 MR. NELSON: Wait, no. You can object.

24 MR. POLVERINO: Okay.

25 MR. NELSON: You can object to the form of

1 A I will take my attorney's instruction.

2 Sorry. I respectfully decline to answer your
3 question on the grounds that I might incriminate
4 myself and on the advisement of counsel.

5 Q I'm actually not encouraging you. It's just
6 your attorney was pointing to the paper, so I wanted
7 to --

8 A Yes.

9 Q Okay.

10 (Document marked Exhibit 24
11 for identification.)

12 MR. NELSON: Okay. You've been handed what's
13 been marked as 24. And it's a letter dated
14 August 15th, which is four days after the Federal
15 Express letter. And it reads -- and it's going to
16 Sideman Bancroft, the law firm that sent you the
17 letter, on August 11th. It reads:

18 "To whom it may concern: Hello, this is a
19 residential address. I don't know this company,
20 quote, 'McIntosh Networks.' I have not received
21 anything from China vendor at this address, that I
22 know of. I did receive two letters from U.S. Customs
23 and Borders a while ago, but didn't know what to make
24 of them. Sincerely yours, Jessica Little."

25 Q Did you send this letter?

1 A I respectfully decline to answer your
2 question on the grounds that I might incriminate
3 myself and on the advisement of counsel.

4 Q Is that your signature on this letter?

5 A I respectfully decline to answer your
6 question on the grounds that I might incriminate
7 myself and on the advisement of counsel.

8 Q Did anybody encourage you to deny knowing a
9 company by the name of McIntosh Networks?

10 A I respectfully decline to answer your
11 question on the grounds that I might incriminate
12 myself and on the advisement of counsel.

13 Q Ma'am, look back at Exhibit 21, and pages 3
14 and 4. And I'll represent that this appears to be a
15 rental agreement which was signed under penalty of
16 perjury, which was then notarized, which appears to be
17 a request to UPS Store for a UPS box by Jessica Little
18 for McIntosh Networks in April of 2016, a mere
19 four months before the letter which is Exhibit 24.

20 Is there any honest, innocent explanation for
21 why you said to Sideman Bancroft, in August of 2016,
22 that you didn't know the company by the name of
23 McIntosh Networks?

24 MR. POLVERINO: The form of the question
25 assumes facts not in evidence.

1 THE WITNESS: I again respectfully decline to
2 answer your question on the grounds that I might
3 incriminate myself and on the advisement of counsel.

4 MR. NELSON: Q. Isn't it a fact that, on
5 August 15, 2016, when you sent a letter in response to
6 receiving the C&D, that you knew that you were telling
7 a lie by representing that you didn't know a company
8 by the name of McIntosh Networks?

9 A I respectfully decline to answer your
10 question on the grounds that I might incriminate
11 myself and on the advisement of counsel.

12 Q Because on August 15, 2016, isn't it true
13 that you very well knew of a company by the name of
14 McIntosh Networks?

15 A I respectfully decline to answer your
16 question on the grounds that I might incriminate
17 myself and on the advisement of counsel.

18 Q And isn't it true that only four months prior
19 to this, you arranged for a UPS box in the name of
20 McIntosh Networks?

21 A I respectfully decline to answer your
22 question on the grounds that I might incriminate
23 myself and on the advisement of counsel.

24 Q Isn't it true that you sent this letter in
25 response to a cease and desist informing you to stop

1 that your company was buying and selling counterfeit
2 Cisco products?

3 A I respectfully decline to answer your
4 question on the grounds that I might incriminate
5 myself and on the advisement of counsel.

6 Q And the reason you're not telling us that is
7 because you, in fact, knew that you and others were
8 buying and selling counterfeit Cisco products?

9 MR. POLVERINO: Lacks foundation; assumes
10 facts not in evidence; calling for the witness to
11 speculate, and it's argumentative.

12 THE WITNESS: I again respectfully decline to
13 answer your question on the grounds that I might
14 incriminate myself and on the advisement of counsel.

15 MR. NELSON: Q. Who paid for the McIntosh
16 Networks UPS box?

17 A I respectfully decline to answer your
18 question on the grounds that I might incriminate
19 myself and on the advisement of counsel.

20 Q Put -- please put Exhibit 21 back in front of
21 yourself.

22 MR. POLVERINO: That's this one here.

23 THE WITNESS: Oh.

24 MR. POLVERINO: You might have it. Yeah,
25 he's pointing to it. We can use this one.

1 CERTIFICATE OF REPORTER

2
3 I, ANDREA M. IGNACIO, hereby certify that the
4 witness in the foregoing deposition was by me duly
5 sworn to tell the truth, the whole truth, and nothing
6 but the truth in the within-entitled cause;

7 That said deposition was taken in shorthand
8 by me, a disinterested person, at the time and place
9 therein stated, and that the testimony of the said
10 witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision;

12 That before completion of the deposition,
13 review of the transcript [] was [x] was not
14 requested. If requested, any changes made by the
15 deponent (and provided to the reporter) during the
16 period allowed are appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the said
19 deposition, nor in any way interested in the event of
20 this cause, and that I am not related to any of the
21 parties thereto.

22 Dated: 10-23-2019



23 _____
24 ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830
25

Depo 3

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

CISCO SYSTEMS, INC, a)
California corporation, et)
al.,)

Plaintiff,)

vs.)

ZAHID "DONNY" HASSAN)
SHEIKH, an individual, et)
al.,)

Defendants.)

Case No.:
4:18-CV-07602 YGR

ADVANCED DIGITAL SOLUTIONS)
INTERNATIONAL, INC., a)
California corporation,)

Third-Party Plaintiff,)

vs.)

RAHI SYSTEMS, INC., a)
California Corporation, et)
al.)

Third-Party Defendants.)

Case No.:
4:18-CV-07602 YGR

CONFIDENTIAL

VIDEO-RECORDED DEPOSITION OF FARHAAD SHEIKH
February 21, 2020
San Francisco, California

REPORTED BY:

Tammy Moon, CSR No. 13184, CRR, RPR

JOB NO. 176342

1 one on Deer Oaks in Pleasanton, are those the only
2 two houses that you have lived at since 2008?

3 A. Yes.

4 Q. Okay. Are you currently employed?

5 A. Yes.

6 Q. And in what capacity? How are you
7 employed?

8 MR. PARKHURST: I'm instructing my client
9 not to answer that question pursuant to his Fifth
10 Amendment privilege.

11 MR. NELSON:

12 Q. Do you have a LinkedIn profile?

13 MR. PARKHURST: I'm instructing my client
14 not to answer that question pursuant to his Fifth
15 Amendment privilege.

16 MR. NELSON:

17 Q. Does your LinkedIn profile state that --
18 your current job?

19 MR. PARKHURST: I'm instructing my client
20 not to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON:

23 Q. Your father testified that you are
24 currently the CEO of the defendant in this case,
25 ADSI. Is that true?

1 MR. PARKHURST: I'm instructing my client
2 not to answer that question pursuant to his Fifth
3 Amendment privilege.

4 MR. NELSON:

5 Q. Are you employed anywhere else but ADSI
6 currently?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. When did you start working at ADSI?

12 MR. PARKHURST: I'm instructing my client
13 not to answer that question pursuant to his Fifth
14 Amendment privilege.

15 MR. NELSON:

16 Q. Now you remember giving a deposition in the
17 civil case that your company Advanced Digital
18 Solutions International brought against Rahi
19 Systems, don't you?

20 MR. PARKHURST: I'm instructing my client
21 not to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON: So, Counsel, whether he has a
24 memory of giving a deposition in the civil case of
25 Advanced Digital Solutions International versus Rahi

1 as -- as an entity called U.S. Customs?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. Do you understand that one of the roles of
7 U.S. Customs is to prevent counterfeit or dangerous
8 items to come into the United States?

9 MR. PARKHURST: I'm instructing my client
10 not to answer that question pursuant to his Fifth
11 Amendment privilege.

12 MR. NELSON:

13 Q. And you are going to follow that
14 instruction?

15 A. I'm going to follow the instructions.

16 Q. Okay. You were aware that -- that products
17 coming to your company were being seized as being
18 counterfeit, correct?

19 MR. PARKHURST: I'm instructing my client
20 not to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON:

23 Q. You're following that instruction?

24 A. Yes.

25 Q. Now there are times in which Customs

1 detains a product, seizes it, and then the importer
2 disputes the seizure. They say, "No. The" -- "that
3 product is not counterfeit." Do you -- do you
4 understand that concept of disputing a seizure?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON: The idea that --

9 Q. Were you aware that -- that Customs allows
10 people to dispute seizures?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. And are you following the instructions?

16 A. Yes.

17 Q. Okay. And that's -- in the -- in the --
18 the disputing of a seizure is done when the importer
19 is -- believes that the products are, in fact,
20 genuine and that there's been a mistake. Do you
21 understand that?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. And I -- I'll ask you whether or not you're
3 going to follow that instruction. I'm also going to
4 ask whether we can have a stipulation that you're
5 going to be following your counsel's instruction
6 every time that he instructs you not to -- not to
7 answer based on your Fifth Amendment rights.

8 So I guess the first question is are you
9 going to follow this particular instruction?

10 A. Yes.

11 Q. Do you intend to continue to follow the
12 instruction as given by your counsel?

13 A. Yes.

14 MR. NELSON: And then, Counsel, can we have
15 a stipulation that instead of my confirming with him
16 that he's following your instruction, that he, in
17 fact, will follow your instruction and I don't need
18 to have him confirm that?

19 MR. PARKHURST: Yes.

20 MR. NELSON:

21 Q. Okay. If at any point you decide you don't
22 want to follow your counsel's instruction, we can
23 take a break and you can talk to your counsel about
24 it.

25 But otherwise, when he instructs you not to

1 answer, I'm just going to move on to the next
2 question, assuming that you, in fact, are
3 volitionally choosing not to answer the question
4 based on your attorney's instruction to you. Is
5 that fair?

6 A. Can you repeat your question.

7 MR. NELSON: Can it be read back, please.

8 (Record read.)

9 A. What does "volition" mean?

10 Q. That's why I actually then immediately gave
11 you a definition. So it's "choosing." So
12 "volitional" is an act of choosing.

13 MR. PARKHURST: Think voluntary.

14 THE WITNESS: Okay.

15 MR. NELSON:

16 Q. Are you okay with that?

17 A. Yes.

18 Q. Okay. Do you know whether an answer was
19 filed on your behalf with regard to this complaint?

20 A. I don't know.

21 (Exhibit 77 was marked for identification.)

22 Q. So I've handed you what we've marked as
23 Exhibit 77. I'll represent it to you to be what's
24 titled "Defendants Advanced Digital Solutions
25 International, Inc., Pure Future Tech, LLC, Kamran

1 (Exhibit 34-C was marked for
2 identification.)

3 MR. NELSON:

4 Q. I'm handing you what was marked as 34-C,
5 and on the bottom it says "K&F Sales to Customers
6 [2017] KFA00005." Do you recognize the information
7 in this document?

8 MR. PARKHURST: I'm instructing my client
9 not to answer that question pursuant to his Fifth
10 Amendment privilege.

11 (Exhibit 34-D was marked for
12 identification.)

13 MR. NELSON:

14 Q. Handing you 34-D, which on the bottom right
15 says "K&F Sales to Customers [2018] KFA00006." Do
16 you recognize the information in this document?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. Does this document correctly reflect
22 transactions that occurred at KF -- K&F Associates?

23 MR. PARKHURST: I'm instructing my client
24 not to answer that question pursuant to his Fifth
25 Amendment privilege.

1 you know what Vodanet is?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. And there's a reference at the bottom of
7 this page to Link-US. Link-US is a company that
8 sold K&F Associates Cisco transceivers, correct?

9 MR. PARKHURST: I'm instructing my client
10 not to answer the question pursuant to his Fifth
11 Amendment privilege.

12 (Exhibit 36-B was marked for
13 identification.)

14 MR. NELSON:

15 Q. I'm handing you what's been marked as 36-B.

16 I'll just tell you it's out of -- out of order.

17 36-A, we marked as an exhibit yesterday, but 36-B

18 says at the bottom right "2018 Cisco Sales ADSI_KF

19 ADSI00339." It's got similar information, including

20 a column for the item. The first row says GLCLHSMD,

21 for example. Cost, price, quantity, ship, et

22 cetera.

23 Have you seen this kind of information

24 before?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. Is this a true and accurate copy of -- of
5 information that exists at the data systems by ADSI?

6 MR. PARKHURST: I'm instructing my client
7 not to answer that question pursuant to his Fifth
8 Amendment privilege.

9 MR. NELSON:

10 Q. Did you assist your counsel in compiling
11 information to respond to document requests by Cisco
12 in this case?

13 MR. PARKHURST: I'm instructing my client
14 not to answer that question pursuant to his Fifth
15 Amendment privilege.

16 MR. NELSON: Let me repeat, Counsel. My
17 question was did he assist in the -- in the
18 gathering of documents that were produced by you in
19 this case. And you have -- you've asserted that he
20 has a Fifth Amendment privilege with regard to
21 assisting and gathering documents. Are you -- are
22 you asserting that?

23 MR. PARKHURST: Yes.

24 MR. NELSON:

25 Q. Which, I guess, begs the question: Did you

1 doctor any of the documents, sir?

2 MR. PARKHURST: I'm instructing my client

3 not to answer that question pursuant to his Fifth

4 Amendment privilege.

5 MR. NELSON:

6 Q. Did you provide fake or false documents to

7 your counsel?

8 MR. PARKHURST: I'm instructing my client

9 not to answer that question pursuant to his Fifth

10 Amendment privilege.

11 MR. NELSON:

12 Q. Can you think of any way that Cisco or the

13 Court could have confidence that the documents

14 provided are true and accurate?

15 MR. PARKHURST: I'm instructing my client

16 not to answer that question pursuant to his Fifth

17 Amendment privilege.

18 MR. NELSON:

19 Q. Is there a possibility, sir, that the

20 documents that were provided by your attorneys are

21 fake?

22 MR. PARKHURST: I'm instructing my client

23 not to answer that question pursuant to his Fifth

24 Amendment privilege.

25 (Exhibit 37 was marked for identification.)

1 MR. NELSON:

2 Q. Handing you Exhibit 37. It says on the
3 bottom "Cisco 2015 ADSI00334." Is this a true and
4 accurate copy of information that exists in the ADSI
5 computer system?

6 MR. PARKHURST: I'm instructing my client
7 not to answer that question pursuant to his Fifth
8 Amendment privilege.

9 MR. NELSON:

10 Q. Is this a fake document, sir?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 (Exhibit 38-A was marked for
15 identification.)

16 MR. NELSON:

17 Q. Handing you what has been marked as 38-A.
18 It says on the bottom "Cisco 2016 ADSI00335." Is
19 this a true and accurate copy of information that
20 exists on the ADSI computer system?

21 MR. PARKHURST: I'm instructing my client
22 not to answer that question pursuant to his Fifth
23 Amendment privilege.

24 MR. NELSON:

25 Q. Is this information fake?

1 MR. PARKHURST: I'm instructing my client
2 not to answer that question pursuant to his Fifth
3 Amendment privilege.

4 MR. NELSON:

5 Q. I just want to call your attention on Row
6 2, under Column Y, which says "our vend." It says
7 ING100, I-N-G 100. Does that -- does that suggest
8 that that particular product was purchased from
9 Ingram Micro?

10 MR. PARKHURST: I'm instructing my client
11 not to answer that question pursuant to his Fifth
12 Amendment privilege.

13 MR. NELSON:

14 Q. Did you -- did your company, in fact,
15 purchase that product from Ingram Micro?

16 MR. PARKHURST: I'm instructing my client
17 not to answer that question pursuant to his Fifth
18 Amendment privilege.

19 MR. NELSON:

20 Q. Did your company buy any Cisco transceivers
21 from Ingram Micro?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. Did your company provide false information
3 to the government suggesting that you purchased
4 products from Ingram Micro when, in fact, you did
5 not?

6 MR. PARKHURST: I'm instructing my client
7 not to answer that question pursuant to his Fifth
8 Amendment privilege.

9 (Exhibit 38-B was marked for
10 identification.)

11 MR. NELSON:

12 Q. You've been handed what is Exhibit --
13 titled Exhibit 38-B, "Cisco 2017 ADSI00336." Is
14 this true and accurate information obtained from the
15 ADSI computer system?

16 MR. PARKHURST: I'm instructing my client
17 not to answer that question pursuant to his Fifth
18 Amendment privilege.

19 MR. NELSON:

20 Q. Did you participate in the faking of
21 information to provide to your attorneys?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 (Exhibit 38-C was marked for

1 identification.)

2 MR. NELSON:

3 Q. Handing you what has been marked as 38-C,
4 designated "Cisco 2018 ADSI00337." Is this
5 information true and accurate as it exists on the
6 company's computer system?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Is this information fake?

12 MR. PARKHURST: I'm instructing my client
13 not to answer that question pursuant to his Fifth
14 Amendment privilege.

15 (Exhibit 39-A was marked for
16 identification.)

17 MR. NELSON:

18 Q. Handing you what's been marked 39-A, which
19 is titled at the bottom "KF-Cisco purchases from
20 ADSI/2017 KFA00001." Is this information true and
21 accurate?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. Is this information fake?

3 MR. PARKHURST: I'm instructing my client
4 not to answer that question pursuant to his Fifth
5 Amendment privilege.

6 (Exhibit 39-B was marked for
7 identification.)

8 MR. NELSON:

9 Q. Handing you what has been marked as 39-B,
10 which states at the bottom "KF-Cisco purchases from
11 ADSI/2018 KFA00001." Is this information true and
12 accurate?

13 MR. PARKHURST: I'm instructing my client
14 not to answer that question pursuant to his Fifth
15 Amendment privilege.

16 MR. NELSON:

17 Q. Is this information fraudulent?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 (Exhibit 40 was marked for identification.)

22 MR. NELSON:

23 Q. I'm handing you what's been marked as
24 Exhibit 40. It states at the bottom "KF-Cisco sales
25 12-01-2015 to 07-24-2019 KFA00002." Is this

1 information true and accurate?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. Is any of the information on this
7 fraudulent?

8 MR. PARKHURST: I'm instructing my client
9 not to answer that question pursuant to his Fifth
10 Amendment privilege.

11 MR. NELSON: We've gone for a little while.
12 Why don't we take a morning break for about ten
13 minutes.

14 THE VIDEOGRAPHER: This marks the end of
15 Volume 1, Media No. 3. Our time now is 10:48 a.m.
16 and we're going off record.

17 (Break taken.)

18 THE VIDEOGRAPHER: This marks the beginning
19 of Volume 1, Media No. 4. Our time now is
20 11:06 a.m. and we're on record.

21 MR. NELSON:

22 Q. Mr. Sheikh, you were involved in sales at
23 Advanced Digital Solutions International, Inc.,
24 correct?

25 MR. PARKHURST: I'm instructing my client

1 MR. PARKHURST: I'm instructing my client
2 not to answer that question pursuant to his Fifth
3 Amendment privilege.

4 MR. NELSON:

5 Q. Are you aware of products being seized by
6 U.S. Customs coming to ADSI?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Are you aware of efforts taken by your
12 family to avoid detection by Customs for products
13 coming to -- to Fremont?

14 MR. PARKHURST: I'm instructing my client
15 not to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON:

18 Q. Were you ever involved personally in
19 arranging for receiving points for products to be
20 imported from -- from China?

21 MR. PARKHURST: I'm instructing my client
22 not to answer that question pursuant to his Fifth
23 Amendment privilege.

24 MR. NELSON:

25 Q. Is there any innocent explanation that you

1 have for getting UPS boxes in Reno and Portland and
2 Bakersfield to obtain products?

3 MR. PARKHURST: I'm instructing my client
4 not to answer that question pursuant to his Fifth
5 Amendment privilege.

6 MR. NELSON:

7 Q. At trial, Cisco will contend that ADSI
8 obtained these far-flung locations in order to avoid
9 detection from Customs. Do you have any explanation
10 that's innocent about getting UPS boxes in these
11 other states and cities?

12 MR. PARKHURST: I'm instructing my client
13 not to answer that question pursuant to his Fifth
14 Amendment privilege.

15 MR. NELSON:

16 Q. And if Cisco were to file a motion with the
17 Court to preclude any testimony from ADSI as to an
18 innocent explanation of -- for -- for this practice,
19 Cisco would be prejudiced because now we have an
20 opportunity -- we're sitting with the CEO of the
21 company.

22 We have the opportunity to hear from you as
23 to why this was done that would explain away the
24 curiosity of getting these receiving points hundreds
25 of miles away. Now's the chance for us to hear this

1 so we can address it before any kind of motion. Do
2 you want to provide any information that would shed
3 light on this?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. Do you admit that the reason why your
9 brother and your company got these other locations
10 to receive products is to evade detection from
11 Customs?

12 MR. PARKHURST: I'm instructing my client
13 not to answer that question pursuant to his Fifth
14 Amendment privilege.

15 MR. NELSON:

16 Q. Do you admit that you knew that the
17 products that were being imported from China were
18 counterfeit?

19 MR. PARKHURST: I'm instructing my client
20 not to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON:

23 Q. And that a way to get these products into
24 the United States so you can sell them to the U.S.
25 government and others was to hide your activity from

1 Customs? Do you admit that?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. Do you intend at any point to dispute the
7 fact that you knowingly imported counterfeit Cisco
8 products?

9 MR. PARKHURST: I'm instructing my client
10 not to answer that question pursuant to his Fifth
11 Amendment privilege.

12 MR. NELSON:

13 Q. As CEO of ADSI, do you admit that ADSI
14 knowingly imported counterfeit Cisco products?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. At any point in time, do you intend, as CEO
20 of the company, to contend otherwise that ADSI did
21 not know these products were -- were counterfeit?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 Q. Okay. So turn to page 13, please. The
2 first affirmative defense that you asserted was that
3 ADSI claim -- that ADSI asserts the claims made in
4 the second amended complaint are barred in whole or
5 in part by abandonment of any marks at issue.

6 Do you have any evidence that Cisco
7 abandoned any of these marks?

8 MR. PARKHURST: I'm instructing my client
9 not to answer that question pursuant to his Fifth
10 Amendment privilege.

11 MR. NELSON:

12 Q. Are you going to -- are you, ADSI, going to
13 assert a defense that Cisco abandoned its
14 trademarks?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. Does ADSI have any evidence to support a
20 defense that Cisco abandoned the trademarks?

21 MR. PARKHURST: I'm instructing my client
22 not to answer that question pursuant to his Fifth
23 Amendment privilege.

24 MR. NELSON:

25 Q. Let's look at the second affirmative

1 defense: acquiescence. "The ADSI defendants," that
2 includes you, personally as well as ADSI, company
3 that you're a CEO of, "assert that the claims made
4 by Cisco are barred by the equitable doctrine of
5 acquiescence." Do you have any evidence that Cisco
6 acquiesced, agreed to the activity that -- that ADSI
7 was conducting?

8 MR. PARKHURST: I'm instructing my client
9 not to answer that question pursuant to his Fifth
10 Amendment privilege.

11 MR. NELSON:

12 Q. Do you intend to assert any defense with
13 regard to the equitable doctrine of acquiescence?

14 MR. PARKHURST: I'm instructing my client
15 not to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON:

18 Q. The third affirmative defense reads that
19 "ADSI defendants assert that the alleged injury or
20 damage suffered by plaintiffs, if any, would be
21 adequately compensated by damages." Do you contend
22 that Cisco can be adequately compensated by damages
23 received from ADSI?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Let's go to the sixth affirmative defense,
4 which is on page 14. It reads that "ADSI defendants
5 assert that Cisco's claims are barred in whole or in
6 part because the injuries and/or damages alleged in
7 the SAC, second amended complaint, were actually
8 and/or proximately caused by the acts or omissions
9 committed by third parties."

10 Do you contend, as the CEO of ADSI, that
11 the acts -- the injuries were caused by actions of
12 third parties?

13 MR. PARKHURST: I'm instructing my client
14 not to answer that question pursuant to his Fifth
15 Amendment privilege.

16 MR. NELSON:

17 Q. It's a fact that all of the damages were
18 caused by acts of ADSI and its affiliated companies,
19 true?

20 MR. PARKHURST: I'm instructing my client
21 not to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON:

24 Q. Let's look at the eighth affirmative
25 defense. It reads that "The ADSI defendants assert

1 that Cisco's claims are barred in whole or in part
2 because Cisco failed to take all reasonable,
3 necessary, and appropriate action to mitigate and
4 purported damages resulting from the alleged matters
5 set forth in the second amended complaint."

6 What facts do you have that Cisco failed to
7 take all reasonable, necessary, and appropriate
8 actions?

9 MR. PARKHURST: I'm instructing my client
10 not to answer that question pursuant to his Fifth
11 Amendment privilege.

12 MR. NELSON:

13 Q. Now you're aware, aren't you, that Cisco
14 sent cease and desist letters to your company
15 telling your company to stop -- stop trafficking
16 counterfeit products, right?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. And you're aware that Cisco sent a cease
22 and desist letter to your employee Jessica Little to
23 tell her to stop importing counterfeit products,
24 correct?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. Can you think of anything else that Cisco
5 should have done to mitigate the damages that ADSI
6 and the associated companies were causing?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Let's look at the 12th affirmative defense,
12 which is on page 15. Now this -- this asserts that
13 "ADSI defendants assert that plaintiffs' trademark
14 registrations were improperly issued by the U.S.
15 Patent and Trademark Office." What evidence do you
16 have that -- that these trademarks were improperly
17 issued?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. Do you have any evidence whatsoever that
23 these trademarks were improperly issued?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Do you withdraw this affirmative defense as
4 -- as baseless?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Oh, let's look at the 14th affirmative
10 defense. It's on paragraph 14. It says "ADSI
11 defendants assert that plaintiffs' claims are barred
12 because there has been no infringement of
13 plaintiffs' marks." Do you contend that ADSI has
14 not sold counterfeit Cisco products?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. In fact, you've looked at -- you've seen
20 some engineering reports today. Isn't it true that
21 ADSI, in fact, sold counterfeit Cisco products?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. Every time you sold counterfeit Cisco
3 products, your company ADSI infringed plaintiffs'
4 trademarks, correct?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Let's look at the 15th affirmative defense.
10 It's on page 16. It says "ADSI defendants assert
11 that plaintiffs' claims are barred in whole or in
12 part because any infringement, if any, was innocent
13 and in spite of ADSI's" -- "defendants' attempts to
14 act in the utmost good faith."

15 Isn't it a fact that the infringement that
16 took place, the selling of counterfeit products, was
17 done knowingly, not innocently?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. You talk here about ADSI -- "defendants'
23 attempts to act in utmost good faith." Can you list
24 to me one effort to act in good faith?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. And, in fact, is that -- that ADSI acted in
5 utmost bad faith in selling products that it knew
6 were counterfeit, true?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Let's look at the 23rd affirmative defense.
12 It's on page 17. It states that "ADSI defendants
13 assert that plaintiffs' claims are" --

14 (Reporter clarification.)

15 Q. "ADSI defendants assert that plaintiffs'
16 claims are barred by the doctrine of unclean hands."
17 Can you think of one thing that Cisco did here in
18 respect to ADSI that was unfair?

19 MR. PARKHURST: I'm instructing my client
20 not to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON:

23 Q. Cisco sued ADSI and asked that ADSI pay
24 damages for selling counterfeit Cisco products,
25 correct?

1 MR. PARKHURST: I'm instructing my client
2 not to answer that question pursuant to his Fifth
3 Amendment privilege.

4 MR. NELSON:

5 Q. That lawsuit is not barred by any bad acts
6 by Cisco, correct?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Is there any acts of unclean hands that you
12 can identify so that we could be prepared to address
13 this at trial?

14 MR. PARKHURST: I'm instructing my client
15 not to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON:

18 Q. Let's look at the 24th affirmative defense.
19 It's on page 17. "ADSI defendants assert that
20 Cisco's claims are barred in whole or in part
21 because Cisco, by their own conduct, waived any
22 claims as to the matters of which plaintiffs now
23 complain."

24 Mr. Sheikh, as -- as CEO of defendant ADSI
25 and as one of the named defendants yourself, can you

1 think of any acts by Cisco that show that Cisco
2 doesn't care about stopping the counterfeiting of
3 Cisco products?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. Can you think of any acts by Cisco in which
9 Cisco essentially said it wasn't going to pursue any
10 claims about counterfeit products?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. Isn't it a fact that at no time Cisco
16 encouraged ADSI to sell counterfeit Cisco products?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. And as CEO of ADSI, do you admit that an
22 award of damages in excess of \$6 million would be
23 fair and equitable?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 MR. NELSON:

2 Q. Every time you sold counterfeit Cisco
3 products, your company ADSI infringed plaintiffs'
4 trademarks, correct?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Let's look at the 15th affirmative defense.
10 It's on page 16. It says "ADSI defendants assert
11 that plaintiffs' claims are barred in whole or in
12 part because any infringement, if any, was innocent
13 and in spite of ADSI's" -- "defendants' attempts to
14 act in the utmost good faith."

15 Isn't it a fact that the infringement that
16 took place, the selling of counterfeit products, was
17 done knowingly, not innocently?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. You talk here about ADSI -- "defendants"
23 attempts to act in utmost good faith." Can you list
24 to me one effort to act in good faith?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. And, in fact, is that -- that ADSI acted in
5 utmost bad faith in selling products that it knew
6 were counterfeit, true?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Let's look at the 23rd affirmative defense.
12 It's on page 17. It states that "ADSI defendants
13 assert that plaintiffs' claims are" --

14 (Reporter clarification.)

15 Q. "ADSI defendants assert that plaintiffs'
16 claims are barred by the doctrine of unclean hands."
17 Can you think of one thing that Cisco did here in
18 respect to ADSI that was unfair?

19 MR. PARKHURST: I'm instructing my client
20 not to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON:

23 Q. Cisco sued ADSI and asked that ADSI pay
24 damages for selling counterfeit Cisco products,
25 correct?

1 Customs? Do you admit that?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. Do you intend at any point to dispute the
7 fact that you knowingly imported counterfeit Cisco
8 products?

9 MR. PARKHURST: I'm instructing my client
10 not to answer that question pursuant to his Fifth
11 Amendment privilege.

12 MR. NELSON:

13 Q. As CEO of ADSI, do you admit that ADSI
14 knowingly imported counterfeit Cisco products?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. At any point in time, do you intend, as CEO
20 of the company, to contend otherwise that ADSI did
21 not know these products were -- were counterfeit?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

Depo 4

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

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1 Q Gotcha. Do you have any -- any business
2 facility in Reno?

3 A No.

4 Q Do you have a vacation house in Reno?

5 A No.

6 Q Do you have family in Reno?

7 A No.

8 Q Is there a reason for anybody from ADSII
9 to send time in Reno, other than vacation?

10 A No.

11 Q Would you agree with me that -- that Reno
12 is a lot farther from Fremont than, say, Fremont?

13 A Yes.

14 Q And if you have a business in Fremont, you
15 would agree with me that it's more convenient to
16 receive products in Fremont as opposed to receive
17 them in Reno, which would require someone to get
18 into a car and drive three, sometimes five hours to
19 Reno to pick them up?

20 ATTORNEY PARKHURST: Objection to form of
21 the question.

22 A So the question? I mean, it's --

23 Q (BY ATTORNEY NELSON) You --

24 A -- a phrase -- I mean, you're --

25 Q -- you would agree with me that it is

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1 simpler and more efficient to import products to the
2 same city where your business is located as opposed
3 to getting a UPS box in Reno, for example?

4 ATTORNEY PARKHURST: Objection to form of
5 the question.

6 Q (BY ATTORNEY NELSON) Would you agree with
7 that?

8 A Yes.

9 Q Is there -- is there any reason from a
10 business perspective to import products to a UPS
11 Box 200 miles away as opposed to an im -- a UPS box
12 close to your office?

13 A I don't know.

14 Q Similarly, is there a reason to import
15 products into Oregon to then have them brought down
16 to California? Is there a business reason for that?

17 A I don't know.

18 Q The reason for doing that was to avoid
19 scrutiny by U.S. Customs, correct?

20 ATTORNEY PARKHURST: Objection to form of
21 the question.

22 A I don't know.

23 Q (BY ATTORNEY NELSON) And you don't know
24 because you weren't aware that these UPS boxes had
25 been obtained?

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1 did this?

2 A Okay. Let me -- just for clarification
3 regarding this, I spoke to Jessica myself also.
4 There's -- my son is not involved in that. I'm --
5 when this case came up, okay, we all said: What's
6 happening?

7 And Jessica said: There's an allegation
8 against you.

9 THE COURT REPORTER: And Jessica said
10 there's an allegation against you?

11 A No. No. I asked her -- this is your
12 allegation. This is -- what do you have to say?

13 THE COURT REPORTER: I need you to slow
14 down and enunciate for me, please.

15 Q (BY ATTORNEY NELSON) And what did she say
16 to you?

17 A She denied it.

18 Q How did she deny it?

19 A She said, "No." I mean, just -- that's
20 the way that -- she said, "No, never."

21 Q Did you ask her whether she had a P.O. Box
22 in Reno, Nevada?

23 A Yes.

24 Q What did she say?

25 A She was advised by Nabia, the previous

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1 company's buyer, to do that.

2 Q And what did she use that box for?

3 A They were bringing in -- importing or
4 bringing in parts. Not just Cisco. Maybe other
5 parts also.

6 Q Why did -- why did they do that?

7 A What I was informed now to -- this thing
8 happened. Because I was not -- as the CEO, I was
9 not involved 100 percent in the business. I was
10 pretty much out. So I asked this question: What
11 was going on?

12 Seems like Nabia was ordering these things
13 first at ADSII.

14 THE COURT REPORTER: Ordering these things
15 first?

16 A I mean these products. Okay. Then she
17 had this Uddin Network. She had some -- a UPS store
18 under that.

19 When she was ordering there, maybe two
20 times or three. I don't know how many. I don't
21 know the details, because she's not my employee
22 anymore. And she is the one who is complaining,
23 putting this.

24 Her products got -- what do you call the
25 right word -- customs stopped it. Then she asked --

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1 see -- Jessica, Hey, can -- I need your help. Can
2 you open the store?

3 And she did that. That's what I
4 understood from Jessica.

5 Q Did Jessica tell you that she would drive
6 to Reno to pick up packages?

7 A No.

8 Q Who would pick up packages that were
9 delivered to Reno?

10 A I checked with her on that. Nobody drove.
11 As she was advised from Nabia, they forward -- they
12 forwarded it to Nab -- the Uddin address.

13 Q Let me understand. So what Jessica Little
14 told you was when the packages arrived in Reno, they
15 would in -- somebody would instruct the Reno UPS
16 store to forward those packages to --

17 A Uddin Networks.

18 Q -- to Uddin Networks --

19 A Yes.

20 Q -- in Fremont?

21 A I think she was -- yeah. In Fremont, yes.

22 THE COURT REPORTER: One at a time,
23 please.

24 A Oh, I'm sorry.

25 Q (BY ATTORNEY NELSON) Did Jessica Little

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1 Q And -- and she left the company recently,
2 correct?

3 A Yes.

4 Q A couple of weeks ago?

5 A Yes.

6 Q Now, she rented a UPS box up in Portland,
7 Oregon, using the Fremont address as -- as -- as a
8 place that's associated with that box. Were you
9 aware of that?

10 A No.

11 Q Do you know whether Ms. Lau requested
12 reimbursement for expenses related to that UPS box?

13 A I don't know.

14 Q Do you know if -- have you talked to your
15 son, Kamran Sheikh, about opening up that UPS box?

16 A No.

17 Q Are you aware whether Kamran Sheikh used
18 his credit card to pay for the opening of that UPS
19 box in Portland, Oregon?

20 A I don't know.

21 Q Can you think of any legitimate business
22 reason for Kamran to have Teresa Lau open a box -- a
23 UPS box in Portland, Oregon?

24 ATTORNEY PARKHURST: Objection to the form
25 of the question.

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1 A No.

2 Q (BY ATTORNEY NELSON) Do you have employees
3 in Portland?

4 A No.

5 Q Do you have a significant customer in
6 Portland?

7 ATTORNEY PARKHURST: Objection to the form
8 of the question.

9 A No.

10 Q (BY ATTORNEY NELSON) Do you -- do you
11 recognize that Portland is a far distance away from
12 Fremont, California?

13 ATTORNEY PARKHURST: Objection to the form
14 of the question.

15 A Okay. Yes.

16 Q (BY ATTORNEY NELSON) And -- and your
17 counsel may be concerned about "far distance." Do
18 you -- do you -- would you -- if you got into a car
19 today to drive to Portland, how long do you think it
20 would take you?

21 A I don't know. I -- it depends what speed
22 limit you're driving, but --

23 Q Let's assume --

24 A -- I don't --

25 Q -- let's assume you're following the law

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1 and not -- and not exceeding the speed limit. Would
2 it take you more than 10 hours to get to Portland?

3 A Yes.

4 Q Okay. Can you think of -- given that
5 distance, can you think of any legitimate business
6 reason for Kamran Sheikh to get a UPS box in
7 Portland, Oregon?

8 ATTORNEY PARKHURST: Objection to the form
9 of the question.

10 A No.

11 Q (BY ATTORNEY NELSON) Okay. Can you think
12 of any legitimate reason for Jessica Little to get a
13 P.O. -- P.O. Box in Reno?

14 ATTORNEY PARKHURST: Objection to the form
15 of the question.

16 A I explained that, I think, already.

17 Q (BY ATTORNEY NELSON) Well --

18 A From her conversation that -- with Uddin.

19 Q What you explained is that -- is that
20 Nabia Uddin asked her to -- to rent a box in
21 Uddin -- in Reno, right?

22 A Yes.

23 Q And that there had been some seizures by
24 customs of counterfeit products going to Uddin
25 Networks' box in California?

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1 A Products. I wouldn't call them
2 counterfeit. They were products.

3 Q And they were seized by customs -- what
4 was your understanding of why they were seized by
5 customs?

6 A I did not know about them until all these
7 things has come up, so I'm -- I'm still looking into
8 that.

9 Q So when Jessica Little told you that Nabia
10 Uddin had asked her to open this box and that
11 customs had seized products going to Uddin Networks
12 in California, your testimony now is that you did
13 not understand when she told you that, that the
14 seizures were related to the fact that the products
15 were counterfeit?

16 ATTORNEY PARKHURST: Objection to the form
17 of the question.

18 A They were not counterfeit as far as I
19 understand --

20 Q (BY ATTORNEY NELSON) What was your --

21 A -- according to these people.

22 Q What was your understanding of why customs
23 had seized those products?

24 A My understanding now is they seized the
25 products because they don't like -- or Cisco doesn't

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1 like cheaper products coming from overseas.

2 Q Who told you that the reason why customs
3 seized these products was because the products were
4 cheaper?

5 A Nabia --

6 Q Did Nabia --

7 A -- and -- sorry.

8 Q Go ahead. Sorry.

9 A -- yeah, Nabia and Mike.

10 Q My "Mike," you mean Mike Minhas?

11 A Minhas.

12 Q Can you spell his last name for our
13 reporter?

14 A M I N H A S.

15 Q Did Nabia Uddin state to you that the
16 products that were seized by customs were not
17 counterfeit?

18 A Were not counterfeit, yes.

19 Q That's what she said to you?

20 A Yes.

21 Q When did she tell you that?

22 A I don't remember the date now. Three
23 years ago.

24 Q It was while she was still employed by
25 ADSII?

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1 A Yes.

2 Q Where were you when you had this
3 conversation with her?

4 A Probably in the office.

5 Q Did you ask her to challenge the seizure
6 of these products?

7 ATTORNEY PARKHURST: Objection to the form
8 of the question.

9 A Okay. She was -- according to her, she
10 was taking care of it.

11 Q (BY ATTORNEY NELSON) What did you
12 understand that to mean?

13 A Mean that these are all after the facts
14 now that there were some letters that came from
15 customs.

16 She would take care of -- she would take
17 them because she was the office manager, purchase of
18 everything. And mail would get to her physical
19 mail.

20 And then she said, "Okay. I'll -- I'll
21 handle it from here."

22 Q Did she show you any copies of these
23 letters from customs?

24 A No.

25 Q Did you ask her to show you these copies?

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1 Are you aware whether the reason for the
2 P.O. Box in Reno was to avoid scrutiny by customs?

3 ATTORNEY PARKHURST: Objection to the form
4 of the question.

5 A I'm not -- I'm not sure.

6 Q (BY ATTORNEY NELSON) Can you think of a
7 reason why somebody would get a P.O. Box in Reno and
8 incur the extra charge of having the products then,
9 once they arrive in Reno, to then be shipped down at
10 a cost to Fremont?

11 A I'm going to make the same assumption you
12 made earlier.

13 Q I'm making no assumptions. I'm asking
14 questions.

15 ATTORNEY PARKHURST: Hold on. Don't
16 assume.

17 A Okay. I don't know.

18 Q (BY ATTORNEY NELSON) Can you -- my
19 question is: Can you think of a reason other than
20 avoiding scrutiny by customs?

21 A No.

22 Q And if your son -- does your son have any
23 ties to the Reno, Nevada area?

24 A So --

25 ATTORNEY PARKHURST: Objection. Counsel,

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1 can you clarify which son?

2 Q (BY ATTORNEY NELSON) Does Kamran -- Kamran
3 have ties to the Reno, Nevada area?

4 A No.

5 Q Does he have a vacation house up there?

6 A No.

7 Q Is he married?

8 A No.

9 Q Does he have friends in the Reno area, to
10 your knowledge?

11 A I don't know.

12 Q Can you think of a reason why your son
13 would arrange for a UPS box in Reno?

14 A I don't know.

15 Q Can you think of a reason for your son to
16 arrange for a UPS box in Portland, Oregon?

17 A No.

18 Q Who is Imran Hussain?

19 A He is one of our employees.

20 Q How long has he been an employee?

21 A Approximately 12, 14 years.

22 Q Is he currently an employee of ADSII?

23 A Yes.

24 Q Where is he today, as far as you know?

25 A Meaning?

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1 Why don't we take our lunch break. We can go off
2 the record.

3 THE VIDEOGRAPHER: We're off the record at
4 12:12 p.m.

5 (A break was taken from 12:12 p.m. to
6 1:18 p.m.)

7 THE VIDEOGRAPHER: This is beginning of
8 Media No. 3. We're back on the record at 1:18 p.m.
9 You may proceed.

10 ATTORNEY NELSON: Great. Thank you.

11 Q (BY ATTORNEY NELSON) How many people are
12 employed by ADSII now in September of 2019?

13 A There's approximately four in the U.S.

14 Q And who are they?

15 A There's, of course, Shahid, Rosie, Imran,
16 and Farhad. And I guess you can add Roya also,
17 because she takes, you know...

18 Q What is Farhad's job title?

19 A Recently we have made him the CEO.

20 Q When did he become CEO?

21 A At the beginning of the year or so, I
22 would say.

23 Q Beginning of 20 --

24 A Yeah.

25 Q -- 19?

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1 A Yeah.

2 Q What was he before that?

3 A He was just, I mean, like an office boy.

4 Q What is your job title now?

5 A I don't like titles. But you know, as --
6 for just -- for the namesake, I'm the president.

7 Q Do you have any other title with ADSII?

8 A No.

9 Q Prior to Farhad becoming CEO, were you the
10 CEO?

11 A Yes.

12 Q Okay. How many employees does ADSII have
13 in Pakistan?

14 A Approximately about 25 right now.

15 Q How many offices do you have in Pakistan?

16 A You mean physical? One.

17 Q One. Where is that located?

18 A City called Lahore.

19 Q And in September of 2018 -- so 12 months
20 ago --

21 A Okay.

22 Q -- how many employees do you think you had
23 in Pakistan?

24 A I would say maybe 50, 60. It fluctuates.
25 I mean, I...

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1 or Synnex so they could show that quote to the U.S.
2 government, but instead purchased a Cisco product
3 from Pretty Technology or Hong Kong Sellsi or some
4 other Chinese-based company? Do you know of that
5 situation happening?

6 ATTORNEY PARKHURST: Objection to the form
7 of the question.

8 A No.

9 Q (BY ATTORNEY NELSON) Did you ever know of
10 that situation happening in 2017 or any other year?

11 ATTORNEY PARKHURST: Same objection.

12 A No.

13 Q (BY ATTORNEY NELSON) Are -- are records of
14 purchases by ADSII kept electronically?

15 A Yes.

16 Q And where are they kept? In what -- in
17 what kind of system?

18 A In the accounting software.

19 Q And what is that referred to?

20 A Meaning the name of the -- SBT.

21 Q Is -- do you have any other electronic
22 records regarding purchases of Cisco products
23 anywhere else other than in the SBT system?

24 A No. No.

25 Q Are you familiar with what information is

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1 captured about the purchase in the SBT system?

2 A Meaning? What details do you want?

3 Like --

4 Q Meaning what details? That's -- that's --

5 are you -- are you familiar with the details that

6 are captured in the SBT system about a purchase of a

7 Cisco --

8 A Yes.

9 Q -- product?

10 A Yes.

11 Q What details are captured?

12 A Vendor name, of course our name, date,

13 P.O. number, and the products, and the...

14 Q What about the price?

15 A Yes, and the price.

16 Q What about the serial number of the

17 products?

18 A If they are available at that time, but

19 they're usually available after the fact, I would

20 say.

21 Q So once you have -- fair point.

22 Once you have ordered the products, you

23 receive the products from the vendor?

24 A Um-hum.

25 Q Do you -- does ADSII record the serial

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1 numbers of the products they received?

2 A They should. That was the rule.

3 Q How -- how do you know that that was the
4 rule?

5 A Well, I -- I had enforced it many times.
6 But knowing my team, the sales team, as soon as the
7 product came, they wanted to just rush and deliver,
8 especially Mike.

9 And that's when -- sometimes the serial
10 numbers, you don't get time to write them down, but
11 I think in most cases we had them.

12 Q And what was -- what was -- what was the
13 reason why you wanted the -- the serial numbers to
14 be captured?

15 A It's generally for RMA return.

16 Q So if a customer had a problem with a
17 product and came to you and said: You sold me X,
18 and it's not working, then you would be able to
19 confirm that, in fact: Yeah, that serial number,
20 that's right, we did sell that to you as opposed to:
21 We don't what you are talking about; we didn't sell
22 that product to you?

23 Is that the idea of the RMA?

24 A Yes.

25 Q Because RMA stands for Return Material

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1 Authorization --

2 A Yes.

3 Q -- is that right? Yeah. So it's for --
4 it's for returns?

5 A Yes.

6 Q Yeah. And so the -- the serial number
7 then -- you wanted the serial numbers captured in
8 the SBT system to assist in that process? That's at
9 least one reason for it?

10 A Yes.

11 Q So is there a -- is there a field in the
12 SBT system that says serial number or what is --
13 what is the heading of the field?

14 A It's -- yeah, it is called "serial
15 number," yes.

16 ATTORNEY NELSON: I'm about ready to
17 switch to another topic, and I see we're -- it's
18 been about an hour, so why don't we take a 10-minute
19 break. Is -- is that good?

20 ATTORNEY PARKHURST: Um-hum.

21 THE VIDEOGRAPHER: Okay. We're off the
22 record at 2:14 p.m.

23 (A break was taken from 2:14 p.m. to 2:34
24 p.m.)

25 THE VIDEOGRAPHER: This is the beginning

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1 ATTORNEY PARKHURST: Objection to the form
2 of the question.

3 A I cannot answer that. It's not...

4 Q (BY ATTORNEY NELSON) It's not okay, is it?

5 A Yeah.

6 Q Yeah. And to -- to arrange for shipping
7 addresses outside the State of California in order
8 to import products that are counterfeit, that would
9 be a problem, wouldn't it?

10 ATTORNEY PARKHURST: Objection to the form
11 of the question.

12 A I don't know.

13 Q (BY ATTORNEY NELSON) What -- what -- what
14 is the lawful business reason to justify setting up
15 a shipping point in Portland, Oregon, to receive
16 products after there has been seizure, a seizure, a
17 seizure of products going to Fremont? What is the
18 lawful reason to do that?

19 ATTORNEY PARKHURST: Objection to the form
20 of the question.

21 A I don't know.

22 Q (BY ATTORNEY NELSON) When there are no
23 customers in Portland, Oregon; there's no
24 salespeople in Portland, Oregon; there's nothing in
25 Portland, Oregon, other than 400 miles away from

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1 Fremont, California.

2 So isn't that a -- evidence -- a reason
3 for people to believe that your son, Kamran Sheikh,
4 was trying to avoid the scrutiny of customs in
5 the -- in this activity, of bringing in Cisco
6 products?

7 ATTORNEY PARKHURST: Objection to the form
8 of the question.

9 A No.

10 Q (BY ATTORNEY NELSON) What is -- what is
11 the innocent explanation for that activity?

12 A I don't know.

13 Q That's a difficult question. I mean, this
14 is your son I'm talking about, so I know it's
15 difficult.

16 But if he was importing legitimate
17 products and selling them from Fremont -- you import
18 them to Fremont or you import them to Milpitas or
19 you import them to San Jose; you import them
20 someplace close -- is there -- is there any innocent
21 explanation for arranging for UPS stores in Reno and
22 in Portland?

23 ATTORNEY PARKHURST: Objection to the form
24 of the question.

25 A I don't know.

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1 I, MARY J. GOFF, CSR No. 13427, Certified
2 Shorthand Reporter of the State of California,
3 certify;

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth, at
6 which time the witness declared under penalty of
7 perjury; that the testimony of the witness and all
8 objections made at the time of the examination were
9 recorded stenographically by me and were thereafter
10 transcribed under my direction and supervision; that
11 the foregoing is a full, true, and correct
12 transcript of my shorthand notes so taken and of the
13 testimony so given;

14 That before completion of the deposition,
15 review of the transcript (XX) was () was not
16 requested: () that the witness has failed or
17 refused to approve the transcript.

18 I further certify that I am not financially
19 interested in the action, and I am not a relative or
20 employee of any attorney of the parties, nor of any
21 of the parties.

22 I declare under penalty of perjury under the
23 laws of California that the foregoing is true and
24 correct, dated this 23rd day of September, 2019.

Mary J. Goff _____

25 MARY J. GOFF

Depo 5

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CISCO SYSTEMS, INC., a California
corporation, et al.,
Plaintiffs,

Case No.
4:18-cv-07602 YGR

vs.
ZAHID "DONNY" HASSAN SHEIKH, an
individual, et al.,
Defendants.

ADVANCED DIGITAL SOLUTIONS
INTERNATIONAL, INC., a California
corporation,

Third-Party Plaintiff,

vs.
RAHI SYSTEMS, INC., a California
corporation, et al.,

Third-Party Defendants.

VIDEO-RECORDED DEPOSITION OF NABIA UDDIN
San Jose, California
Friday, March 6, 2020

REPORTED BY:
CYNTHIA MANNING, CSR No. 7645, CLR, CCRR
JOB NO. 177154

1 Q. When did you open a post office box?

2 A. Approximately 2016.

3 Q. And you mentioned that there were two post
4 office boxes that you shipped to. The 2016 post
5 office box, is that one of them?

6 A. Correct.

7 Q. And then do you know who opened the other
8 post office box that you would ship to?

9 A. Yes. Jessica Little.

10 Q. Do you -- do you know when Ms. Little
11 opened the post office box?

12 A. No, I do not.

13 Q. Were you present when she opened a post
14 office box?

15 A. No, I was not.

16 Q. How did you come to hear that Ms. Little
17 opened a post office box?

18 A. When I was asked to ship product there.

19 Q. So when you were asked to ship product
20 there, what were you told in this regard?

21 A. I was given an address and instructed to
22 have product that was ordered from either Hong Kong,
23 Ltd. or Shenzhen -- to have those orders shipped to
24 Ms. Little's box in Reno, Nevada.

25 Q. And who said this to you?

1 A. Jessica and Shahid Sheikh.

2 Q. And they said that they opened that box?

3 A. I don't know who opened the box.

4 Q. Okay. In 2016 you opened a post office
5 box. Was that with UPS?

6 A. Correct.

7 Q. And what was the location of the post
8 office box that you opened?

9 A. I don't have the exact street address, but
10 it's on Washington Boulevard in Fremont.

11 Q. And why did you open the 2016 Washington
12 Boulevard post office box?

13 A. I was instructed to do so by Shahid.

14 Q. And how did he communicate this
15 instruction?

16 A. Verbally.

17 Q. Verbally?

18 A. Correct.

19 Q. And when you say "verbally," do you mean in
20 person?

21 A. Correct.

22 Q. And so I just want to know what you recall
23 of that conversation that you had where he
24 instructed you to open a post office box? What do
25 you remember of that conversation?

1 Q. And how did Ms. Little instruct you to do
2 this? How did she communicate that instruction?

3 A. Via e-mail.

4 Q. Was this every time you did it?

5 A. By e-mail and phone.

6 Q. Ever in person?

7 A. If she was in the office.

8 Q. And what would she tell you exactly?

9 A. Basically what quantity to purchase, where
10 to purchase it from, how to have it shipped in.

11 Q. And did she tell you this is counterfeit?

12 A. No.

13 Q. How did you come to learn that this was
14 allegedly counterfeit?

15 A. When product and the labels that go on the
16 product would be shipped and arrive separately.

17 Q. And you said that Ms. Little instructed you
18 to do this?

19 A. Ms. Little and Shahid.

20 Q. And Shahid Sheikh?

21 A. Correct.

22 Q. And how often did Mr. Sheikh tell you to do
23 this?

24 A. I mean, it was mostly either him or Jessica
25 that would dictate where to get this product from.

1 Q. And they would tell you -- they would
2 communicate this request by e-mail or in phone or in
3 person; is that the case?

4 A. Correct.

5 Q. And did they do that for each of the 50 to
6 100 times.

7 MS. FRIEND: Misstates testimony.

8 THE WITNESS: Yes.

9 BY MR. ATKINSON:

10 Q. And when did you first learn that there
11 were products and labels being shipped out and
12 arrive separately?

13 A. When they would arrive to my PO box.

14 Q. Did you ever go personally?

15 A. Yes.

16 Q. Was that PO box a Uddin Networks PO box?

17 A. Yes.

18 Q. When was the first time that the labels
19 arrived at your PO box?

20 A. I don't remember the exact date.

21 Q. Do you recall the year?

22 A. It was within a few months of opening the
23 Uddin Networks LLC.

24 Q. Within a few months of opening the company
25 PO box, you went to the post office box and found

1 labels were shipped; is that right?

2 A. I didn't make all the pickups at Uddin
3 Networks, but I did know that when we would get the
4 tracking from the supplier it would just -- some of
5 the tracking would be strictly for the labels and
6 the other tracking would be for the product itself.

7 Q. And you personally went down there from
8 time to time?

9 A. From time to time, but I wasn't the primary
10 person that did the pickups.

11 Q. Did you personally observe labels coming
12 into your post office box?

13 A. No.

14 Q. Okay. When did you first learn that labels
15 were being shipped to your post office box?

16 A. Again, it would just show on the tracking
17 based on the weight and the product that would get
18 picked up and brought back to the office. I have
19 seldomly went to the PO box to make any pickups.

20 Q. So you're assuming, based on the weight,
21 that these were labels shipped to your PO box?

22 A. I'm not assuming. When the product would
23 get picked up from the PO box and come to the
24 Fremont office, and that's when you would get the
25 packing slip, go look at the material, that's what

1 it would be; it would be labels.

2 Q. Okay. So you were aware that labels and
3 product were being shipped to your PO box within a
4 few months of setting it up; right?

5 A. Yes.

6 Q. And that's when you became aware that,
7 according to you, there was counterfeit products;
8 right?

9 A. Correct.

10 Q. This is a few years before you left ADSI;
11 right?

12 MS. FRIEND: Misstates testimony.

13 BY MR. ATKINSON:

14 Q. It was more than a year before you left
15 ADSI; right?

16 A. It was in the last five years.

17 Q. Okay. Other than what you've just
18 described, have you ever been involved in the
19 purchase of counterfeit products?

20 MS. FRIEND: Vague and ambiguous.

21 THE WITNESS: What we just went over.

22 BY MR. ATKINSON:

23 Q. Other than that, any other involvement?

24 MS. FRIEND: Vague and ambiguous.

25 THE WITNESS: No.

1 A. Yes.

2 Q. Did you ever witness someone putting a
3 label on a product?

4 A. Yes.

5 Q. And who did you witness putting a label on
6 a product?

7 A. Jessica Little, Imran Husain.

8 Q. And when did you witness that?

9 A. What do you mean when did I witness it?

10 Q. Did you witness it more than one time?

11 A. Yes.

12 Q. When was the first time you witnessed
13 either Ms. Little or Mr. Husain putting a label on a
14 product?

15 A. I don't remember the exact timeframe, but
16 it was after the product started coming into the PO
17 box and then being picked up and brought back to the
18 Fremont office.

19 Q. Within a few months of opening the PO box?

20 A. Correct.

21 Q. Okay. Did you ask them what they were
22 doing?

23 A. No.

24 Q. Where were they when you saw them doing
25 this?

1 A. In Imran's office.

2 Q. Did Imran have his own office with a door?

3 A. Yes.

4 Q. Did it have a window? Could you see into
5 office?

6 A. Yes.

7 Q. Was Imran's door open or closed when you
8 say you saw him putting labels on the product?

9 A. I don't recall if it was open or closed.

10 Q. And how big a window is on his office?

11 And before I go any further, let me
12 clarify.

13 I'm only interested in a window that you
14 would be able to see into so that you could see
15 activity in the office.

16 Does he have such a window?

17 A. Yes.

18 Q. Could you approximate the size of the
19 window that you could see through?

20 A. The size of that window (indicating). Like
21 the width and the depth between. It wasn't that
22 big, but like where that shade is, that approximate
23 rectangular size. I don't know what size that would
24 be.

25 Q. Would you say that's about 15 feet across?

1 Q. More than five?

2 A. Yes.

3 Q. More than 10?

4 A. Yes.

5 Q. More than 20?

6 A. Approximately.

7 Q. Approximately 20?

8 A. Yes.

9 Q. Okay. On approximately 20 occasions you
10 saw Imran Husain putting labels on products; is that
11 right?

12 A. Correct.

13 Q. And we're talking 20 different instances of
14 that; right?

15 A. Correct.

16 Q. Okay. And approximately how many times did
17 you see Ms. Little putting labels on product?

18 A. Probably 10, 15, approximately.

19 Q. And was that also in Mr. Husain's office?

20 A. Yes.

21 Q. And was there a particular time of day they
22 would do that?

23 A. No particular time of the day.

24 Q. Did they appear to take any efforts to hide
25 what they were doing?

1 A. Yes.

2 Q. Did Mr. Husain have a key to box 315?

3 A. The second key that I had to the box I had
4 given to -- per Shahid Sheikh, I had given to Kamran
5 Sheikh. Now, if Kamran then forwarded to Imran, I
6 do not know. But Kamran and Imran were the ones
7 that did the majority of the pickups from the PO
8 box.

9 Q. And did you have any discussions, do you
10 recall, with Kamran Sheikh about seizure notices
11 from CBP for products going to Uddin Networks?

12 A. No, sir.

13 Q. So in 2016, did you have any idea that
14 customs was seizing counterfeit products --
15 counterfeit Cisco products going to Uddin Networks?

16 A. No, I was not aware.

17 Q. Let's go back to the e-mail that you sent
18 to Mr. Colosi in 2017. It's dated November 28th.

19 So the next sentence:

20 "Cisco had blacklisted them about seven
21 years ago, but they are importing these
22 parts from China."

23 Who is "them" and "they"?

24 A. I know that we could not buy from
25 distribution, such as Ingram Micro or TechData,

1 A. It was just a gut feeling that this is
2 wrong. There is something not right about the way
3 that they are conducting business, and I wanted to
4 bring light to it eventually. And when I got fired
5 is what when I reached out because I was no longer
6 threatened to lose my job. And I mean it was wrong.
7 I didn't feel good doing it, but I was following
8 instructions to perform my job in order to keep my
9 job.

10 Q. Do you believe that Shahid Sheikh knew
11 about these counterfeit activities?

12 A. Yes.

13 Q. Why do you believe that?

14 A. He is the one that would find these
15 suppliers, have the meetings with them, go out and
16 meet with them in China. So I think that he knew
17 what he was getting himself into. He is the one
18 that would come back from a business meeting and
19 then instruct the team on how and where to purchase
20 product from.

21 Q. Who signed your checks?

22 A. Shahid and Roya.

23 Q. Why didn't you speak up to Shahid?

24 Is he the kind of man you could say, "Hold
25 on. I think this is bad what we're doing"?

1 conversation with Peter, but that is all the
2 information that I have regarding this Cisco
3 counterfeit product.

4 Q. Let's focus on the labeling of products in
5 Fremont at the ADSI offices.

6 You had testified earlier that Imran Husain
7 and Jessica Little were both involved in the actual
8 labeling, and that I think it was Miguel --

9 A. Correct.

10 Q. -- at least observed at least one of these
11 labeling sessions.

12 Is -- I don't have Miguel's last name, I
13 apologize, but is he still located locally?

14 A. I don't know.

15 Q. When was the last time that you spoke with
16 him?

17 A. When I was employed at ADSI.

18 Q. So back at the end of 2017 would have been
19 the last time you spoke with him?

20 A. September 2017.

21 Q. Do you know if Shahid Sheikh is aware that
22 the products are labeled -- were being labeled in
23 Fremont?

24 A. Is he aware of that?

25 Q. Right.

1 A. Yes.

2 Q. Why? How do you know that?

3 A. He has seen Imran do it in the office and a
4 lot of instructions were given by Shahid himself.

5 Q. Including instructions to label the
6 products?

7 A. Correct.

8 Q. How about also the orders, did you see
9 orders that went from ADSI to Pretty Technology that
10 specified the number of labels that they were
11 buying?

12 A. Sometimes it was spelled out on the POs and
13 other times Jessica would just communicate that with
14 Summer or whoever the supplier contact was.

15 Q. And how did Jessica Little communicate that
16 to Pretty Technology?

17 A. Via e-mail.

18 Q. So there would be e-mails between Jessica
19 Little and Summer in which Jessica Little requested
20 Cisco labels?

21 A. Correct.

22 Q. Do you know for a fact that there are
23 e-mails like that?

24 A. I haven't seen them, but the way the
25 product will come in, the way that -- it would only

1 A. Within a five-minute drive.

2 Q. Was -- were products being sent to ADSI on
3 the Business Center Drive?

4 A. Yes.

5 Q. So if ADSI was ordering products, let's say
6 HP products, those products would be delivered to
7 4255 or whatever the address is of Business Center
8 Drive in Fremont?

9 A. Correct.

10 Q. It's a lot easier to have the products
11 delivered right to the office. You get them right
12 away and you don't have to send somebody to -- five
13 minutes away a to a UPS Store; correct?

14 A. Correct.

15 Q. What products were being sent to the UPS
16 Store in Fremont?

17 A. Cisco product.

18 Q. Was it only Cisco products going to the UPS
19 Store in Fremont?

20 A. Yes.

21 Q. No HP products?

22 A. Not to the best of my knowledge.

23 Q. The products that you knew were being
24 picked up at the Fremont UPS Store were 100 percent
25 Cisco products and labels?

1 A. To the best of my knowledge, yes.

2 Q. Now, again, it would be a lot easier to
3 have those products sent directly to Business Center
4 Drive, then you get them right away and you don't
5 have to send somebody down with a key to a UPS box.

6 Did anybody explain to you why it was that
7 for those products, those had to go to UPS box,
8 whereas the HP products and everything else could go
9 to the ADSI office?

10 A. No.

11 Q. Did that seem odd to you?

12 A. Very.

13 Q. At some point did you figure out why it was
14 that the Cisco products were being sent to the UPS
15 box and everything else was going to the ADSI
16 office?

17 A. Yes.

18 Q. What did you figure out?

19 A. That it's being imported in from China
20 and/or Hong Kong and then being sent to Jessica
21 Little's PO box in Reno and then being shipped to my
22 PO box. So it was -- the whole process seemed very
23 odd to me.

24 Q. So let's dive into the Reno box for a
25 moment because you mentioned that.

1 A. Yes.

2 Q. So do you know what products were being
3 imported into the Reno box?

4 A. Besides the transceivers and some switches?

5 Q. Yeah.

6 A. Those are the ones that I'm aware of.

7 Q. Were you aware of anything that wasn't a
8 Cisco product that was being imported by ADSI into
9 the United States to the Reno UPS box?

10 A. No, I was not.

11 Q. And in that situation, you didn't have
12 somebody drive up to Reno to pick up the boxes and
13 then drive them back to Fremont, did you?

14 A. No.

15 Q. How did you get the products, the Cisco
16 products, from the Reno UPS box down to the ADSI
17 office on Business Center Drive in Fremont?

18 A. So Jessica had given instructions to the
19 UPS store where she opened up the UPS box that
20 whenever something came in to then forward it to my
21 box. That communication was handled with Jessica,
22 by her, and she instructed the UPS Store on how to
23 do that. So I don't know what was said or who was
24 managing that.

25 Q. Did that seem inefficient to you?

1 A. Very.

2 Q. Because let's peel back the inefficiencies.

3 Let's assume that the most efficient thing
4 is you order something and you have it delivered to
5 your address.

6 A. Correct.

7 Q. So you add one level of inefficiency. You
8 say: Instead of sending it to my address in
9 Fremont, I want you to send this to Reno and then it
10 will come down to my address in Fremont. That would
11 be inefficient; right?

12 A. Correct.

13 Q. Let's add a second level of inefficiency.
14 I want you to send it first to an UPS box in Reno
15 and then have that go down to a UPS box in Fremont
16 and then you have somebody on Business Center Drive
17 get in their car and drive five minutes to pick it
18 up from the UPS box in Fremont. That's pretty
19 inefficient too, isn't it?

20 A. Correct.

21 Q. Can you think of any reason why Shahid
22 Sheikh and his sons were setting up the receiving of
23 products in this way?

24 A. I don't know why they chose to do it this
25 way.

1 confusing than that -- is, I'll represent to you, a
2 letter from U.S. Customs to Kenney Carter,
3 referencing a seizure of 650 transceiver labels on
4 June 2nd, 2018. This was actually going to
5 PureFuture Tech on 47000 Warm Spring Boulevard,
6 Number 122 in Fremont.

7 First question to you is: June 7th, 2018,
8 you were no longer with ADSI; correct?

9 A. Correct.

10 Q. And this did not go to the Uddin Networks
11 UPS box, did it?

12 A. No.

13 Q. This one went to a PureFuture Tech address?

14 A. Correct.

15 Q. Have you ever heard of a company called
16 PureFuture Tech?

17 A. Yes.

18 Q. And what do you know it to be?

19 A. It's just an online company that -- Kamran
20 is the owner of this company.

21 Q. And did Kamran ever talk to you while you
22 were colleagues at ADSI about buying transceiver
23 labels in China?

24 A. I don't recall. For PureFuture Tech?

25 Q. For PureFuture.

1 A. No.

2 MR. NELSON: Just to complete the picture,
3 let's take a look at Exhibit 74.

4 (Deposition Exhibit 74, previously marked
5 for identification, was referenced herein)

6 BY MR. NELSON:

7 Q. So I'll represent to you that Exhibit 74 is
8 the photographs that Customs sent to Cisco for
9 authentication for the products that were coming in
10 in order to get Cisco to say whether or not this was
11 genuine Cisco merchandise.

12 The first page you can see an is RoHS
13 Hazardous Substance Table; right?

14 A. Yes.

15 Q. The second page is the bigger label that
16 goes on the outside of a transceiver antistatic bag?

17 A. Yes.

18 Q. The third page, we now have what appears to
19 be a roll of labels, and Customs later identified
20 the number as 650 of these.

21 But those -- what do you recognize the
22 labels on the right, the ones that have the Cisco
23 trademark, to be?

24 A. Probably the smaller label that goes on top
25 of the transceivers.

1 Q. Yeah.

2 And in your experience, dealing with buying
3 and selling Cisco products for many, many years at
4 ADSI, can you think of any legitimate reason for
5 Cisco to produce and distribute labels so that
6 people can put them on various pieces of metal to
7 sell as Cisco transceivers?

8 A. No.

9 Q. Are you familiar with BrokerBin?

10 A. Yes.

11 Q. And Tradeloop?

12 A. No.

13 Q. But on BrokerBin, BrokerBin is a B2B
14 marketplace?

15 A. Correct.

16 Q. So a seller sells products to another
17 seller. It's a forum for sellers to sell to each
18 other; correct?

19 A. Correct.

20 Q. And people sell all sorts of things on
21 BrokerBin, including Cisco products; correct?

22 A. Correct.

23 Q. Because Cisco products can be bought and
24 sold just like widgets? I mean, they are things
25 that can be bought and sold; right?

1 A. Correct.

2 Q. Have you ever seen someone offer for sale
3 on BrokerBin Cisco labels?

4 A. No.

5 Q. Would it surprise you if somebody offered
6 Cisco labels on BrokerBin?

7 A. Yes.

8 Q. Why?

9 A. Because Cisco-authorized product does not
10 sell labels separately.

11 Q. Right.

12 I want to go back to the labeling operation
13 that took place at ADSI. And you described how
14 Jessica Little and Imran Husain would do it. How
15 close would you get to them?

16 What is the closest you ever got to them
17 while they were doing their labeling operation?

18 A. Besides just seeing what they were doing in
19 the office, that's about it. I never stood behind
20 them to see exactly what they were doing.

21 Q. Could you estimate for us approximately how
22 far away you were? Are we talking about 10 feet,
23 100 feet, a football field?

24 A. Like from here to the end of the table
25 would be his office and then the window would be

1 right there. So what is that, about 5 feet or so?

2 Q. Oh, that's a lot longer than 5 feet, but
3 it's probably -- and I'll ask counsel to confirm,
4 but maybe around 12 to 15 feet?

5 A. Yeah, from here to there.

6 MR. NELSON: Is that fair?

7 MS. FRIEND: I agree with that.

8 MR. ATKINSON: Sure.

9 BY MR. NELSON:

10 Q. So how do you know that they were putting
11 labels on Cisco products as opposed to just doing
12 crossword puzzles?

13 A. They were sitting there with transceivers
14 and they were sitting applying labels to them, which
15 was very clear and apparent through the window,
16 which is how I know that they were applying labels
17 to counterfeit Cisco product.

18 Q. And we saw the color pictures of labels on
19 sort of a peel-off backing.

20 Did you ever see like the remnant of the
21 peel-off backing? So once -- all the labels have
22 been taken off but now you have that glossy paper?

23 A. Shiny paper, yes.

24 Q. And you saw that in the office?

25 A. Yes.

1 Q. Do you have any doubt that they were
2 putting labels on counterfeit Cisco transceivers?

3 A. Do I have doubt that they were?

4 Q. Do you have any doubt?

5 A. No doubt.

6 Q. I think you had talked about the UPS box
7 when counsel showed you the information of you
8 acquiring the UPS box in Fremont and using your
9 credit card.

10 A. Correct.

11 Q. I think he asked you whether or not you had
12 been reimbursed for the expense of the UPS box.

13 Were you reimbursed?

14 A. Yes.

15 Q. Who reimbursed you?

16 A. Shahid.

17 Q. And how did he reimburse you, in cash or
18 check or how?

19 A. Check.

20 Q. And was it a company check or personal
21 check?

22 A. Company check.

23 Q. Do you have a copy of that check?

24 A. Yes.

25 Q. You have a copy of it at your home or --

1 REPORTER'S CERTIFICATE

2 I, CYNTHIA MANNING, a Certified Shorthand
3 Reporter of the State of California, do hereby
4 certify:

5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth;
7 that any witnesses in the foregoing proceedings,
8 prior to testifying, were placed under oath; that a
9 verbatim record of the proceedings was made by me
10 using machine shorthand which was thereafter
11 transcribed under my direction; further, that the
12 foregoing is an accurate transcription thereof.

13 I further certify that I am neither
14 financially interested in the action, nor a relative
15 or employee of any attorney of any of the parties.

16 Before completion of the deposition, review
17 of the transcript [] was [X] was not requested. If
18 requested, any changes made by the deponent during
19 the period allowed are appended hereto.

20 In witness whereof, I have subscribed my
21 name this 18th day of March 2020.

22 

23 _____
24 CYNTHIA MANNING, CSR No. 7645, CCRR, CLR
25

Depo 6

Confidential - Pursuant to Protective Order

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

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CISCO SYSTEMS, INC., a
California corporation,
et al.,

Plaintiffs,

vs.

No. 4:18-CV-07602 YGR

ZAHID "DONNY" HASSAN SHEIKH,
an individual, et al.,

Defendants.

ADVANCED DIGITAL SOLUTIONS,
INTERNATIONAL, INC., a
California corporation,
Third-Party Plaintiff,

vs.

RAHI SYSTEMS, INC., a
California corporation,
et al.,
Third-Party Defendants.

Job No: 177108

CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF SHAHID SHEIKH

SAN FRANCISCO, CALIFORNIA

FRIDAY, FEBRUARY 28, 2020

Stenographically Reported by:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

California CSR No. 9830

1 to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON: Q. Do you have any question in
4 your mind that -- that the information here is, in
5 fact, true and accurate?

6 MR. PARKHURST: I'm instructing my client not
7 to answer that question pursuant to his Fifth
8 Amendment privilege.

9 MR. NELSON: Okay.

10 Q We actually did not look at the spreadsheets
11 at your deposition, so you have not testified in this
12 case under oath yet with regard to the spreadsheets.

13 So your counsel has instructed you not to
14 answer pursuant to your Fifth Amendment privilege.
15 Are you going to follow that instruction?

16 A Yes.

17 MR. PARKHURST: And, Counsel, can we
18 stipulate from here on out that he'll follow the
19 instruction as given?

20 MR. NELSON: So what your counsel has
21 proposed is: Instead of my asking you each time, "Are
22 you going to follow this instruction that your counsel
23 has provided," that I can forego that. And we're
24 assuming, we're stipulating, that you're going to
25 follow his instruction not to answer questions based

1 on your Fifth Amendment privilege when he asserts
2 that.

3 Q Is that -- do you understand that? Is that
4 fair?

5 A No, I didn't understand that.

6 Q So the idea -- so generally attorneys are
7 allowed to make objections, make instructions during a
8 deposition. But the witness is to answer the
9 question. Typically that is what would happen.

10 So an attorney -- this happened last time
11 where an attorney may object because the question,
12 they think, is vague, ambiguous, or unclear with time,
13 et cetera.

14 When they -- when an attorney -- when an
15 attorney asserts those kinds of objections, it is --
16 it is mostly for the record so that when a trier of
17 fact or the judge looks at that down at trial time, he
18 or she, in this case she, would make a decision about
19 whether or not the question is questionable.

20 So counsel makes an objection for the record.
21 So it's preserved for the judge some months from now
22 to take a look at. The witness can answer, and this
23 happened at your first deposition where Mr. Parkhurst
24 would make a deposition, but that didn't relieve --
25 relieve you of your obligation to answer. You still

1 had to go ahead and answer.

2 Do you remember? Well, whether you remember
3 or not, that -- that's what happened.

4 This is a little special, because
5 Mr. Parkhurst is objecting to the question because of
6 your Fifth Amendment right not to provide testimony
7 against yourself. It's a constitutional right. And
8 so, he's flagging the issue for the record and for
9 you, and he's -- he's instructing you, he's advising
10 you not to answer the question, and to assert your
11 Fifth Amendment rights.

12 The Fifth Amendment rights are yours to -- to
13 assert or not to assert. Now, you're here with
14 counsel, so presumably you've got Mr. Parkhurst at
15 your side for a reason to give you good advice. But
16 nevertheless, it is your -- it is your -- your -- your
17 right to assert.

18 I want to caution you -- not caution you --
19 but I just want to alert you that in federal court,
20 that a witness who asserts the Fifth Amendment, that a
21 court can and a jury can draw what's called an adverse
22 inference from the assertion of the Fifth Amendment.
23 That -- that, in fact, the person asserted the Fifth
24 Amendment because the answer to the question would be
25 bad for them.

1 So that's an instruction that can be given to
2 the jury so the jury will know that you asserted the
3 Fifth Amendment. They can just read -- read it
4 against you. And say, Okay. The reason he did is
5 because the information is bad.

6 Now, Mr. Parkhurst will make arguments at
7 that time as to why the jury should not do that. But
8 nevertheless, the law says that -- that that is -- is
9 something that will likely happen.

10 Because of that, the lawyers have to ask you
11 whether you're going to follow your counsel's
12 instruction. So, in this case, Mr. Parkhurst had
13 placed on the record very clearly his advice to you to
14 assert your Fifth Amendment right.

15 You have the right to overrule essentially
16 your counsel and go ahead and answer it. Most people
17 don't. I'll just tell you that right now, but
18 nevertheless you have that right.

19 So what attorneys have to do in my shoes,
20 they will then have to follow-up from the witness and
21 say, Okay. You heard from your counsel. He's
22 advising you to assert the Fifth Amendment right. Are
23 you going to do that? And then the person will say
24 either "yes" or "no."

25 So the day gets long if after every single

1 time I turn to you and say "Are you going to follow
2 the advice of your counsel?" So that's the general
3 issue.

4 Now, the idea of the stipulation is the
5 assumption -- the assumption that Mr. Parkhurst says
6 is that -- that you're going to follow his
7 instruction. He's telling you that he's advising you
8 not to answer pursuant to the Fifth Amendment, and so
9 he's expecting you're going to follow it.

10 And so what I'm -- so we're asking for a
11 stipulation now is that I don't have to ask you each
12 and every time "Are you going to follow your counsel's
13 instruction?"

14 We can -- we will stipulate that you, in
15 fact, are following your counsel's instruction, and
16 you've been advised about the adverse inference, and
17 you understand the consequences, and you're going to
18 follow your counsel's instruction.

19 Does that make sense? Is that -- the idea of
20 the stipulation and the consequences make sense to
21 you?

22 A Yes.

23 Q Okay. Do you want to confer with
24 Mr. Parkhurst before we proceed?

25 A I'm okay.

1 Q You're okay.

2 A Yes.

3 Q You're okay to go forward?

4 And do -- do you agree that -- is that
5 stipulation, the stipulation of the idea that -- that
6 I don't have to ask you whether you're going to follow
7 your counsel's instruction that, in fact, if he -- if
8 he -- if he advises you not to answer based on your
9 Fifth Amendment rights, that you, in fact, will not
10 answer; is that -- is that stipulation okay with you?

11 A Yes.

12 MR. NELSON: That's okay with you,
13 Mr. Parkhurst?

14 MR. PARKHURST: Yes.

15 MR. NELSON: Okay. Okay. All right.

16 Q If I can have the -- those exhibits back
17 again. Thank you. You can keep your glasses.

18 A Okay. Yeah.

19 Q Thanks.

20 So when we ended the day on September 10th, I
21 had provided to you a copy of a solicitation contract
22 order for commercial items, and I am going to have
23 this marked as Exhibit 80.

24 (Document marked Exhibit 80
25 for identification.)

1 bottom right. Right above the first page. It --

2 MR. PARKHURST: Back to the first page.

3 MR. NELSON: Back to the first page. Oh,
4 sorry. Yes.

5 Q Do you see where it says 05-JUL-2017 and my
6 question right now is: Do you see that, the date
7 there?

8 A Yes.

9 Q As of July 2017, your company had already
10 received numerous notices from customs that your
11 suppliers in China were supplying you counterfeit
12 Cisco products; correct?

13 MR. PARKHURST: I'm instructing my client not
14 to answer that question pursuant to his Fifth
15 Amendment privilege.

16 MR. NELSON: Q. Despite those notices, ADSI
17 continued to purchase from these Chinese counterfeit
18 sellers; isn't that correct?

19 MR. PARKHURST: I'm instructing my client not
20 to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON: Q. And with full knowledge that
23 the products that you were importing from China were
24 counterfeit, you, as CEO of ADSI at this time,
25 July 2017, allowed Cisco products imported from China

1 to be sold to the Defense Health Agency; correct?

2 MR. PARKHURST: I'm instructing my client not
3 to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON: Okay. Let's put 80 aside for
6 now.

7 (Document marked Exhibit 81
8 for identification.)

9 MR. NELSON: Handing you what's been marked
10 as 81, and I'll represent it from the Bates Nos.
11 ADSI '180 through '194. You'll see that in Box 15
12 that these products were to be delivered to Strategic
13 Systems Programs, individual named Daniel Kostka,
14 K-O-S-T-K-A, in Washington, D.C.

15 Q Do you recognize this document?

16 MR. PARKHURST: I'm instructing not to answer
17 that question pursuant to his Fifth Amendment
18 privilege.

19 MR. NELSON: Let's go to page 3 of this which
20 is marked as '182. You'll see that item one is a
21 Cisco router. It's a 3925/K9 for \$3,000.

22 Q Do you know what a Cisco 3925/K9 router is?

23 MR. PARKHURST: I'm instructing my client not
24 to answer that question pursuant to his Fifth
25 Amendment privilege.

1 MR. NELSON: Q. But neither you nor anyone
2 else at ADSI alerted the U.S. Navy that the switches
3 that you were selling to the Navy were potentially
4 counterfeit?

5 MR. PARKHURST: I'm instructing my client not
6 to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON: Let's look at item three. It's
9 on the next page, and these are ten transceivers, and
10 the manufacture part number is GLC-SX-MMD. And your
11 company, ADSI, sold these for \$250 each.

12 Q These transceivers were counterfeit; weren't
13 they?

14 MR. PARKHURST: I'm instructing my client not
15 to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON: Q. Now, the counterfeit
18 transceivers were easy because you were actually
19 making them in Fremont; weren't you?

20 MR. PARKHURST: I'm instructing my client not
21 to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON: Q. You had employees in Fremont
24 who were -- who were printing labels and putting those
25 labels on the metal casings of things that then look

1 like Cisco transceivers; isn't that correct?

2 MR. PARKHURST: I'm instructing my client not
3 to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON: And we went over, at your
6 deposition in September, all of the various seizures
7 by customs, but -- and I'm not going to do that again
8 with you.

9 Q But do you recall seizure after seizure after
10 seizure of counterfeit transceivers being imported
11 from ADSI from China?

12 MR. PARKHURST: I'm instructing my client not
13 to answer that question pursuant to his Fifth
14 Amendment privilege.

15 MR. NELSON: Now, let's go to the very end of
16 this ADSI '217, and you'll see here that the acceptor
17 is Kelly Duane with an e-mail out -- address of
18 duane.kelly@me.navy.mil. Also, Vivian Wilson, and
19 Vivian Wilson also has @me.navy.mil e-mail address.

20 Q There is no question in your mind that these
21 products that you were obtaining were being going to
22 the U.S. Navy; correct?

23 MR. PARKHURST: I'm instructing my client not
24 to answer that question pursuant to his Fifth
25 Amendment privilege.

1 MR. NELSON: Q. And yet you nevertheless
2 ordered them from China?

3 MR. PARKHURST: I'm instructing my client not
4 to answer that question pursuant to his Fifth
5 Amendment privilege.

6 MR. NELSON: Q. And you ignored the risk
7 that these Chinese products were counterfeit even
8 though there had been dozens of custom seizures of
9 products from your Chinese suppliers coming to your
10 company, ADSI?

11 MR. PARKHURST: I'm instructing my client not
12 to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON: Q. And your response to the
15 dozens of custom seizures was not to stop doing
16 business with these Chinese sources. Rather, your
17 response was finding different locations in the
18 United States to receive the products so that customs
19 wouldn't stop them; isn't that true?

20 MR. PARKHURST: I'm instructing my client not
21 to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON: Q. And once some of the
24 products came under custom's review -- strike that.

25 Once products were not detained by customs,

1 CERTIFICATE OF REPORTER

2
3 I, ANDREA M. IGNACIO, hereby certify that the
4 witness in the foregoing deposition was by me duly
5 sworn to tell the truth, the whole truth, and nothing
6 but the truth in the within-entitled cause;

7 That said deposition was taken in shorthand
8 by me, a disinterested person, at the time and place
9 therein stated, and that the testimony of the said
10 witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision;

12 That before completion of the deposition,
13 review of the transcript [] was [x] was not
14 requested. If requested, any changes made by the
15 deponent (and provided to the reporter) during the
16 period allowed are appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the said
19 deposition, nor in any way interested in the event of
20 this cause, and that I am not related to any of the
21 parties thereto.

22 Dated: 3-12-2020



23
24 ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830
25

Depo 7

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

CISCO SYSTEMS, INC, a)
California corporation, et)
al.,)

Plaintiff,)

vs.)

ZAHID "DONNY" HASSAN)
SHEIKH, an individual, et)
al.,)

Defendant.)

ADVANCED DIGITAL SOLUTIONS)
INTERNATIONAL, INC., a)
California corporation,)

Third-Party Plaintiff,)

vs.)

RAHI SYSTEMS, INC., a)
California Corporation, et)
al.)

Third-Party Defendants.)

Case No.:

4:18-CV-07602 YGR

CONFIDENTIAL

VIDEO-RECORDED DEPOSITION OF KAMRAN SHEIKH

February 20, 2020

San Francisco, California

REPORTED BY:

Tammy Moon, CSR No. 13184, CRR, RPR

JOB NO. 176341

1 MR. NELSON:

2 Q. Is it true, Mr. Sheikh, that you knowingly
3 were engaged in counterfeiting activities involving
4 Cisco products?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Now I'm just going to alert you, Mr.
10 Sheikh, that the issue of knowledge of -- of
11 counterfeiting activities in the civil context is
12 important, because there are particular legal
13 consequences to knowingly trafficking counterfeit
14 products. There's enhanced damages. For example,
15 attorneys' fees become available pursuant to the
16 statute.

17 So one thing that Cisco is asking for in
18 this lawsuit is for all damages related to the
19 counterfeit trafficking that occurred at ADSI and
20 the companies related to ADSI.

21 At trial, we'll be arguing that -- that you
22 and others at the company knew that this counterfeit
23 activity was occurring. Is -- is that true? Did
24 you know it?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. I'm alerting you, sir, that -- that in
5 federal court, that the assertion of the Fifth
6 Amendment can be used at trial and to support the
7 inference that the reason that you're asserting your
8 Fifth Amendment privilege is because the answer is
9 exactly what is being proposed; that, in fact, in
10 this situation, that you knew that ADSI was selling
11 counterfeit Cisco products that would then subject
12 you to the enhanced damages under the Lanham Act.

13 If you don't answer the question today,
14 then -- then your failure to answer the question can
15 be used in the civil case. With that understanding,
16 are you willing to answer that question?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. Is there any evidence that you'd like to
22 provide to explain that you did not know that the
23 companies that you were associated with were
24 trafficking in counterfeit Cisco products?

25 MR. PARKHURST: I'm instructing my client

1 Amendment privilege.

2 MR. NELSON:

3 Q. Have you been to the ADSI facility in
4 Pakistan?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Do you know a company called Pure Future
10 Tech?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. Were you responsible for establishing with
16 the California state -- Secretary of State a company
17 called Pure Future Tech LLC?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. Your father testified that -- that he asked
23 you to -- to set up this company; Pure Future Tech
24 LLC. Is that true?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. Do you know the e-mail address
5 CS@purefuturetechnology.com?

6 MR. PARKHURST: I'm instructing my client
7 not to answer that question pursuant to his Fifth
8 Amendment privilege.

9 MR. NELSON:

10 Q. It is true that you have access to that
11 particular e-mail alias to -- in order to look at
12 those e-mails, correct?

13 MR. PARKHURST: I'm instructing my client
14 not to answer that question pursuant to his Fifth
15 Amendment privilege.

16 MR. NELSON:

17 Q. Do you know a woman by the name of Theresa
18 Lau?

19 MR. PARKHURST: I'm instructing my client
20 not to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON:

23 Q. Did you used to work with Theresa Lau?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 filed with the California Secretary of State?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. I'll draw your attention -- now the address
7 has changed for your address at service of process.
8 It's now listed at 4255 Business Center Drive in
9 Fremont. Do you recognize that address?

10 MR. PARKHURST: I'm instructing my client
11 not to answer that question pursuant to his Fifth
12 Amendment privilege.

13 MR. NELSON:

14 Q. That's the address for ADSI, isn't it?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. There is a building located at 4255
20 Business Center Drive; is there not?

21 MR. PARKHURST: I'm instructing my client
22 not to answer that question pursuant to his Fifth
23 Amendment privilege.

24 MR. NELSON:

25 Q. The building located at 4255 Business

1 Center Drive is a building that you would go to work
2 at day after day after day up until December of
3 2018, correct?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. You were very familiar with the building at
9 4255 Business Center Drive, weren't you?

10 MR. PARKHURST: I'm instructing my client
11 not to answer that question pursuant to his Fifth
12 Amendment privilege.

13 MR. NELSON:

14 Q. Was only legitimate business transpiring at
15 4255 Business Center Drive?

16 MR. PARKHURST: I'm instructing my client
17 not to answer that question pursuant to his Fifth
18 Amendment privilege.

19 MR. NELSON:

20 Q. Is it a fact that -- that the business
21 being conducted at 4255 Business Center Drive was
22 trafficking in counterfeit products in violation of
23 the Lanham Act?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Were there any other improper activities
4 occurring at 4255 Business Center Drive?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. In addition to any unlawful activities,
10 were any lawful activities being done at 4255
11 Business Center Drive?

12 MR. PARKHURST: I'm instructing my client
13 not to answer that question pursuant to his fifth --
14 to his Fifth Amendment privilege.

15 MR. NELSON:

16 Q. And I'm sorry. I may have asked this, but
17 are you familiar with a building located at 4255
18 Business Center Drive.

19 Regardless of what was going on in that
20 building, are you familiar that there was a building
21 -- is a building in Fremont at 4255 Business Center
22 Drive?

23 MR. PARKHURST: I'm instructing my client
24 not to answer that question pursuant to his Fifth
25 Amendment privilege.

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. Do the Giants play baseball in San
5 Francisco?

6 A. Yes.

7 MR. PARKHURST: I'm going to object. This
8 line of questioning is irrelevant, harassing,
9 pointless.

10 MR. NELSON:

11 Q. Did you go to college at Northern Arizona
12 University?

13 MR. PARKHURST: Objection. Asked and
14 answered.

15 MR. NELSON:

16 Q. You can answer.

17 A. Yes.

18 Q. Have you ever heard of a company called
19 ADSI?

20 MR. PARKHURST: I'm instructing my client
21 not to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON:

24 Q. All right. Let me show you Exhibit 5.

25 This was also -- thank you -- at your mother's

1 deposition.

2 (Document handed.)

3 Q. I'll identify it as a document filed with
4 the California Secretary of State that -- that's
5 date stamped December 5, 2018.

6 And here I'll draw your attention again to
7 paragraph nine. Appears on the bottom of the
8 document, dated February 5, 2018, with your name
9 typed there. That -- that is your name, correct?

10 A. Yes.

11 Q. Okay. And the title says "Manager." Do
12 you see that?

13 A. Yes.

14 Q. Were you the manager of Pure Future Tech as
15 of December 5, 2018?

16 MR. PARKHURST: I'm instructing my client
17 not to answer that question pursuant to his Fifth
18 Amendment privilege.

19 MR. NELSON:

20 Q. This was a document that was filed with the
21 California Secretary of State's office asserting
22 that it is true and correct that you were the
23 manager of Pure Future Tech. Was that false?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Handing you what was marked as Exhibit 7 to
4 your mother's deposition. And I'll represent it to
5 be a document filed with the Secretary of State's
6 office, California, on or about November 22, 2017.

7 This one -- look under the -- Box 1. It
8 says "K&F Associates." Do you see that?

9 A. Yes.

10 Q. It has a business address for K&F
11 Associates at 6172 Corte Padre in Pleasanton.
12 That's a home that you own, correct?

13 A. Yes.

14 Q. And it shows the manager as Zahid Sheikh.
15 That's your father, correct?

16 A. Yes.

17 Q. And it shows his address at 6172 Corte
18 Padre, Pleasanton. Did your father live at -- in
19 the Pleasanton address in November of 2017?

20 MR. PARKHURST: I'm instructing my client
21 not to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON:

24 Q. Now you previously testified that you're
25 renting that house in Pleasanton, and you receive

1 rental payments. Are you renting it to your father?

2 MR. PARKHURST: I'm instructing my client

3 not to answer that question pursuant to his Fifth

4 Amendment privilege.

5 MR. NELSON:

6 Q. Have you met the people that are living in

7 your house in Pleasanton?

8 MR. PARKHURST: I'm instructing my client

9 not to answer that question pursuant to his Fifth

10 Amendment privilege.

11 MR. NELSON:

12 Q. Do you know the people who are living in

13 your house in Pleasanton?

14 MR. PARKHURST: I'm instructing my client

15 not to answer that question pursuant to his Fifth

16 Amendment privilege.

17 MR. NELSON: Counsel, you have a good faith

18 basis to assert -- assert and -- and instruct him

19 about the people that are living in his house?

20 MR. PARKHURST: We do, counsel.

21 MR. NELSON:

22 Q. Are they doing anything wrong in your house

23 in Pleasanton?

24 MR. PARKHURST: I'm instructing my client

25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Go down to paragraph nine that was filed
4 with the Secretary of State's office on November 22,
5 2017. This shows that date, the name of the person
6 completing the form, has your name typed in there.
7 That's your name, correct?

8 A. Yes.

9 Q. And the title it says "Manager." That's
10 what it says, doesn't it?

11 A. Yes.

12 Q. And this was allegedly true and correct
13 according to what paragraph nine says, correct?

14 MR. PARKHURST: I'm instructing my client
15 not to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON:

18 Q. Well, you -- you can read with me,
19 paragraph nine says "The information contained
20 herein including any attachments is true and
21 correct." Can -- can you read that?

22 A. Yes.

23 Q. Okay. Was this true and correct?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Let's actually look to the second page of

4 this document, which has the additional managers.

5 You're the second one here, Kamran Sheikh, out of

6 your Pleasanton address at 6172 Corte Padre,

7 correct?

8 MR. PARKHURST: I'm instructing my client

9 not to answer that question pursuant to his Fifth

10 Amendment privilege.

11 MR. NELSON:

12 Q. Well, actually, I'm just -- I'm just

13 reading this. This -- is that -- is that your name

14 under the "First name: Kamran"? Is that your name?

15 A. Yes.

16 Q. And the second where it says "Last name:

17 Sheikh," that's your -- that's your last name,

18 correct?

19 A. Yes.

20 Q. Okay. The address listed here is -- is the

21 Corte Padre, Pleasanton, address, which is the house

22 you own, correct?

23 A. Yes.

24 Q. Okay. Now for Roya, it provides her last

25 name as Sheikh, but she actually also has her -- her

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. Were you involved in making purchases of
5 Cisco products from China on behalf of Pure Future
6 Technology LLC?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Did you arrange for products to be
12 delivered to Pure Future Technology at addresses
13 other than in Fremont, California?

14 MR. PARKHURST: I'm instructing my client
15 not to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON:

18 Q. What is the company Pretty Technology?

19 MR. PARKHURST: I'm instructing my client
20 not to answer that question pursuant to his Fifth
21 Amendment privilege.

22 MR. NELSON:

23 Q. What is the company HongKong Sellsi?

24 A. I'm instructing my client not to answer
25 that question pursuant to his Fifth Amendment

1 privilege.

2 MR. NELSON:

3 Q. You know that both of those companies sell
4 counterfeit Cisco products, right?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Did you know that they were counterfeit
10 before Pure Future Technology bought them?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. All right. I'll ask the question: Isn't
16 it a fact you did know that they were counterfeit
17 before you bought them?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. This wasn't an innocent mistake, was it?

23 MR. PARKHURST: I'm instructing my client
24 not to answer that question pursuant to his Fifth
25 Amendment privilege.

1 products?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. You arranged for pick-up locations of Cisco
7 products outside of Fremont, California, correct?

8 MR. PARKHURST: I'm instructing my client
9 not to answer that question pursuant to his Fifth
10 Amendment privilege.

11 MR. NELSON:

12 Q. And the reason you did that was because
13 products that were coming to Fremont were being
14 seized by customs as being counterfeit?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. And you wanted to hide these sales from
20 customs, didn't you?

21 MR. PARKHURST: I'm instructing my client
22 not to answer that question pursuant to his Fifth
23 Amendment privilege.

24 MR. NELSON:

25 Q. So what you did was you arranged for a UPS

1 store in Reno to receive products from China,

2 correct?

3 MR. PARKHURST: I'm instructing my client

4 not to answer that question pursuant to his Fifth

5 Amendment privilege.

6 MR. NELSON:

7 Q. And what happened is these products went to

8 Reno and then the word was then given to your people

9 in Fremont that products were waiting to be picked

10 up, correct?

11 MR. PARKHURST: I'm instructing my client

12 not to answer that question pursuant to his Fifth

13 Amendment privilege.

14 MR. NELSON:

15 Q. And then you would instruct Jessica Little

16 or some other employee to contact the Reno UPS and

17 have them send those products to Fremont?

18 MR. PARKHURST: I'm instructing my client

19 not to answer that question pursuant to his Fifth

20 Amendment privilege.

21 MR. NELSON:

22 Q. And you would arrange to pay for the Reno

23 UPS office to send those products to Fremont?

24 MR. PARKHURST: I'm instructing my client

25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Now this doesn't make any sense
4 financially, does it?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Whatever amount you paid to -- to bring
10 these products in from China, they could have as
11 easily been delivered directly to Fremont as opposed
12 to going to Reno, correct?

13 MR. PARKHURST: I'm instructing my client
14 not to answer that question pursuant to his Fifth
15 Amendment privilege.

16 MR. NELSON:

17 Q. So when you paid the UPS store in -- in
18 Reno to reship these products, that's money you
19 could have saved if you had merely arranged for them
20 to be shipped directly from China to Fremont,
21 correct?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. And the reason you paid that money was
3 because you wanted to be able to receive these
4 products so that Cisco and customs wouldn't know
5 that these products were coming to ADSI. Isn't that
6 correct?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Now sometimes people say that they have
12 products delivered elsewhere because it may make it
13 -- make it easier to receive these products for
14 customs. Was that the reason?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. There may be other reasons why you -- you
20 had these products delivered in Reno rather than in
21 Fremont. Can you tell us today what those other
22 reasons were?

23 MR. PARKHURST: I'm instructing my client
24 not to answer that question pursuant to his Fifth
25 Amendment privilege.

1 MR. NELSON:

2 Q. Now there could be some answers which may
3 implicate your Fifth Amendment, and you may want to
4 kind of hold those back. There may be other answers
5 which are innocent, in which you would say there are
6 five different reasons. I'm going to tell you about
7 three of them.

8 Will you tell me about any reason that you
9 had to have products delivered to Reno that were
10 innocent?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. And that's because there were no other
16 innocent explanations, were there?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. But that didn't work, did it, because
22 products were seized by customs going to Reno?

23 MR. PARKHURST: Is that a question?

24 MR. NELSON: That is a question.

25 MR. PARKHURST: I'm instructing my client

1 Q. Yeah. And it was after customs was seizing
2 products going to Keystone Avenue in Reno that you
3 arranged with Theresa Lau to scout a -- a different
4 alternative location in Portland, Oregon, correct?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Did you tell Theresa Lau to find a location
10 -- a UPS location in Portland, Oregon?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. Did you receive the seizure notices?

16 MR. PARKHURST: I'm instructing my client
17 not to answer that question pursuant to his Fifth
18 Amendment privilege.

19 MR. NELSON:

20 Q. Did you instruct Ms. Lau to bring you the
21 seizure notices?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 Amendment privilege.

2 MR. NELSON:

3 Q. I used the word "hinky." I probably
4 shouldn't have. Would you think there was something
5 wrong with selling a product and having the customer
6 put the label on it?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. So you're not going to contend in this case
12 that -- that you did not understand that buying
13 labels separately and putting them on products
14 wasn't wrong?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. You knew that that's what was going on at
20 ADSI's facility in Fremont, didn't you?

21 MR. PARKHURST: I'm instructing my client
22 not to answer that question pursuant to his Fifth
23 Amendment privilege.

24 MR. NELSON:

25 Q. You knew that Imran Hussein was printing

1 labels in Fremont and putting them on products,
2 didn't you?

3 MR. PARKHURST: I'm instructing my client
4 not to answer that question pursuant to his Fifth
5 Amendment privilege.

6 MR. NELSON:

7 Q. You knew that Imran Hussein was getting
8 labels printed in China as well and then having --
9 putting those printed labels on products in Fremont,
10 didn't you?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. And at no time are you going to claim that
16 -- that you believe that that was okay?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON: All right. Why don't we take
21 a ten-minute break?

22 THE VIDEOGRAPHER: This marks the end of
23 media file labeled number two. Off the record at
24 10:25 a.m.

25 (Break taken.)

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. Okay. Let's go to the next page, page
5 five. Here, again, are some signatures on at least
6 three different parts of this page.

7 One about halfway down the page; and then
8 two signatures side by side, about three quarters of
9 the way.

10 Those are Jessica Little's signatures,
11 correct?

12 MR. PARKHURST: I'm instructing my client
13 not to answer that question pursuant to his Fifth
14 Amendment privilege.

15 MR. NELSON:

16 Q. Let's go back to page one of Exhibit 21.

17 Jessica wrote to -- apparently to the mailbox store.

18 The address is store0949@Yahoo.com. And she says:

19 "Hello there. Attached is my filled out

20 mailbox agreement. I'm going to use my boss's card

21 to pay. Please let me know" -- I'm sorry -- "please

22 let me now what the next step is. Thank you,

23 Jessica."

24 Were you Jessica Little's boss back in May

25 of 2016?

1 MR. PARKHURST: I'm instructing my client
2 not to answer that question pursuant to his Fifth
3 Amendment privilege.

4 MR. NELSON:

5 Q. Did you authorize Jessica Little to use
6 your credit card to pay for this UPS box?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. When you authorized Jessica Little to use
12 your credit card to open this UPS box, you did it
13 because you knew that she was going to then import
14 counterfeit Cisco products into the United States at
15 a location other than Fremont, California, right?

16 MR. PARKHURST: I'm instructing my client
17 not to answer that question pursuant to his Fifth
18 Amendment privilege.

19 MR. NELSON:

20 Q. Looking back at Exhibit 21, did you ask
21 Jessica Little to contact the Reno UPS store in or
22 about January of 2018?

23 MR. PARKHURST: I'm instructing my client
24 not to answer that question pursuant to his Fifth
25 Amendment privilege.

1 A. No.

2 Q. There's a -- there's a civil case going on
3 involving ADSI and the -- the employees that left.
4 Are -- are you -- are you a plaintiff in that case?

5 A. What's that -- plaintiff.

6 MR. PARKHURST: Counsel, no, he's not.

7 MR. NELSON: Okay. Okay.

8 Q. But so at the end of 2017, various
9 employees left ADSI, including Nabia Uddin. Isn't
10 that correct?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. Did the fact that those employees left
16 cause you to ask Jessica Little to get information
17 about the Reno UPS box?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. You asked Theresa Lau to set up a UPS box
23 in Portland, Oregon, correct?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Are you aware that Theresa Lau was deposed
4 in this case?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Ms. Lau talked to you before her
10 deposition, didn't she?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. Did you talk to Ms. Lau after her
16 deposition?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. I'm handing you what is marked as
22 Exhibit 28 and Ms. Lau's deposition. On the first
23 page of this, it shows an address for Pure Future
24 Tech at 6172 Corte Padre, Pleasanton. That's the
25 home that you -- that you own, correct?

1 A. Yes.

2 Q. There's a phone number here of
3 (408)610-3400. Do you know whose phone number that
4 is?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Is that one of your phone numbers?

10 MR. PARKHURST: I'm instructing my client
11 not to answer that question pursuant to his Fifth
12 Amendment privilege.

13 MR. NELSON:

14 Q. Go to page four of this document, the last
15 page. Under 18, paragraph 18, there's something
16 that says "optional automatic renewal." It's
17 authorizing UPS store to charge, quote, "my credit
18 card," end quote, for rental charges.

19 And then the name on card that's typed in
20 here says "Kamran Sheikh," your name, correct?

21 MR. PARKHURST: You're asking if he sees --

22 MR. NELSON:

23 Q. That's your name?

24 A. Yes.

25 Q. And you see that what is -- what is checked

1 is`-- is Amex. Do you see the check by Amex?

2 A. Yes.

3 Q. Do you know Amex to mean American Express?

4 A. Yes.

5 Q. There is a card number here. Is that your
6 credit card?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question based on his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. Do you have your wallet?

12 A. Yes.

13 Q. Now? Do you have an American Express
14 credit card in your wallet right now?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. Do you -- as you sit here right now, do you
20 have an American Express card with you that ends in
21 1024?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. Did you use that -- that credit card in
3 order to authorize the rental of this UPS box?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. You've used that credit card in order to
9 authorize rentals of other UPS boxes in order to
10 avoid customs, correct?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. You've used that credit card in order to
16 pay for receiving locations in cities outside of
17 Fremont, California, correct?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. And what we know about are the locations in
23 Reno and in Portland. Are there other locations
24 that you've arranged and paid for with your credit
25 card?

1 MR. PARKHURST: I'm instructing my client
2 not to answer that question pursuant to his Fifth
3 Amendment privilege.

4 MR. NELSON:

5 Q. And the fact is that you have arranged for
6 other locations in addition to Reno and -- and
7 Portland, correct?

8 MR. PARKHURST: I'm instructing my client
9 not to answer that question pursuant to his Fifth
10 Amendment privilege.

11 MR. NELSON:

12 Q. Did you arrange for a -- a location in
13 Bakersfield, California?

14 MR. PARKHURST: I'm instructing my client
15 not to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON:

18 Q. If we had your credit card details, we
19 would see all the different locations that you have
20 rented in order to avoid customs, wouldn't we?

21 MR. PARKHURST: I'm instructing my client
22 not to answer that question pursuant to his Fifth
23 Amendment privilege.

24 MR. NELSON:

25 Q. Are you aware that Cisco has subpoenaed

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. Let's go back to Ms. Lau. Starting at
5 page 112, line 25:

6 "Who instructed the UPS in Portland,
7 Oregon, to ship it to the Fremont location?

8 "Answer: I did.

9 "Question: And who told you to instruct
10 the UPS store to do that?

11 "Answer."

12 You know what she said, don't you?

13 "Kamran."

14 MR. PARKHURST: Is that a question,
15 counsel?

16 MR. NELSON: It was, but it was -- I'll
17 withdraw the question.

18 Q. And let me just -- let me just reread that.

19 "And who told you to instruct the UPS to do
20 that?

21 "Answer: Kamran."

22 Ms. Lau testified truthfully that you're
23 the one that told her to bring the products down
24 from Portland down to -- to Fremont, true?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. All right. The custom seizures that we
5 looked at previously were ones that went to Reno and
6 to Portland. Actually, did I show you the one that
7 went to Portland? Maybe I did not.

8 (Brief pause.)

9 Q. Pardon me, one second.

10 (Brief pause.)

11 I did not. Handing you what was marked as
12 Exhibit 32, and this is -- at Theresa Lau's
13 deposition.

14 And I am reading from this. It's a little
15 faint, but the date of importation of August -- I'm
16 sorry, October 29, 2018, was "five Cisco network
17 switches going to ADSII at 1819 SW Fifth Avenue,
18 Suite 302, Portland, Oregon."

19 Did I read that correctly?

20 A. Yes.

21 Q. Have you seen this seizure notice before?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. Have you seen the seizure notices we looked
3 at earlier from Reno before?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. Isn't it a fact that Theresa Lau, when she
9 received these, gave them to you?

10 MR. PARKHURST: I'm instructing my client
11 not to answer that question pursuant to his Fifth
12 Amendment privilege.

13 MR. NELSON:

14 Q. All right. Let's -- let's look at her
15 testimony. Page 130, line five:

16 "Okay. Are you aware that customs sent
17 ADSI a seizure notice regarding seized goods?

18 "Yes.

19 "Question: How did you become aware of
20 these notices?

21 "Answer: I believe they were one of the
22 customs envelopes that they sent. When I first saw
23 them, I opened one or two to see what they were and
24 one of them was like a seizure. I would pass them
25 on to Kamran."

1 MR. NELSON:

2 Q. Now when you got these notices, you might
3 have been confused about why customs was seizing
4 these products as counterfeit. Were you confused?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. You might have also been upset that customs
10 was seizing these products because they weren't
11 counterfeit, and then you would have contested with
12 customs the seizure. Did you ever contest the
13 seizure?

14 MR. PARKHURST: I'm instructing my client
15 not to answer that question pursuant to his Fifth
16 Amendment privilege.

17 MR. NELSON:

18 Q. The fact is, sir, you never contested the
19 seizure, did you?

20 MR. PARKHURST: I'm instructing my client
21 not to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON:

24 Q. Because you knew they were counterfeit.

25 MR. PARKHURST: I'm instructing my client

1 not to -- is that a question counsel?

2 MR. NELSON:

3 Q. Because you knew they were counterfeit,

4 question mark?

5 MR. PARKHURST: I'm instructing my client

6 not to answer that question pursuant to his Fifth

7 Amendment privilege.

8 MR. NELSON:

9 Q. Or was there any other reason you didn't --
10 you didn't challenge any of the seizures?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. At no time in this litigation are you ever
16 going to contest -- contend that you had other
17 reasons for not contesting these seizures, correct?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. If you had any other reasons, I want to
23 hear it so we can talk about it. Are there any
24 other reasons?

25 MR. PARKHURST: I'm instructing my client

1 not to answer that question pursuant to his Fifth
2 Amendment privilege.

3 MR. NELSON:

4 Q. All right. Let's go back to Ms. Lau. She
5 claims that she talked to you about these. Let me
6 read from page 133, line five:

7 "Did you read it enough to determine that
8 it was a seizure notice?

9 "Answer: Well, yeah. Yeah. Just enough
10 to do that.

11 "Question: And what did you do when you
12 realized it was a seizure notice from customs?

13 "Answer: I brought it to Kamran.

14 "Question: Did Kamran say anything when
15 you brought these notices to him?

16 "Answer: Only to continue bringing him
17 these notices."

18 Was Ms. Lau testifying truthfully when she
19 testified about this?

20 MR. PARKHURST: I'm instructing my client
21 not to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON:

24 Q. There has been dozens of seizure notices
25 directed to Pure Future Tech, to ADSI, to Macintosh

1 Networks, Uddin Networks, all these various
2 companies associated with ADSI. Did you see all of
3 them?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. As a matter of fact, you did, because you
9 told your people to get them to you right away,
10 didn't you?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. You told your staff to give the notices to
16 you personally, didn't you?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. And you didn't stop ordering products from
22 China, even though they were being seized as
23 counterfeit, did you?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. What did you do?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. In fact, what you did was you found new
9 places to -- to import the products, hoping that CBP
10 customs wouldn't detect it. Isn't that right?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. That's why you got the PO box -- the UPS
16 box in Portland, correct?

17 MR. PARKHURST: I'm instructing my client
18 not to answer that question pursuant to his Fifth
19 Amendment privilege.

20 MR. NELSON:

21 Q. If you thought these products were genuine,
22 you would have challenged the seizure, wouldn't you?

23 MR. PARKHURST: I'm instructing my client
24 not to answer that question pursuant to his Fifth
25 Amendment privilege.

1 MR. NELSON:

2 Q. But you never did, did you?

3 MR. PARKHURST: I'm instructing my client
4 not to answer that question pursuant to his Fifth
5 Amendment privilege.

6 MR. NELSON:

7 Q. If you thought these were genuine, you
8 could have contacted Cisco to ask why they were
9 calling these counterfeit, couldn't you have?

10 MR. PARKHURST: I'm instructing my client
11 not to answer that question pursuant to his Fifth
12 Amendment privilege.

13 MR. NELSON:

14 Q. But you never did, did you?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. You could have stopped buying from these
20 sources in China, knowing what they were doing was
21 selling you counterfeit, couldn't you have?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. But you didn't stop, did you?

3 MR. PARKHURST: I'm instructing my client
4 not to answer that question pursuant to his Fifth
5 Amendment privilege.

6 MR. NELSON:

7 Q. You continued to buy and import counterfeit
8 Cisco products, didn't you?

9 MR. PARKHURST: I'm instructing my client
10 not to answer that question pursuant to his Fifth
11 Amendment privilege.

12 MR. NELSON:

13 Q. But the one thing you did do was try to
14 find new ways to bring those products into the
15 United States; isn't that right?

16 MR. PARKHURST: I'm instructing my client
17 not to answer that question pursuant to his Fifth
18 Amendment privilege.

19 MR. NELSON:

20 Q. You got a location in Reno to import the
21 products, didn't you?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 ending in 1024. Do you see that?

2 A. Yes.

3 Q. And your American Express card ends with
4 one -- 1024, doesn't it?

5 MR. PARKHURST: I'm instructing my client
6 not to answer that question pursuant to his Fifth
7 Amendment privilege.

8 MR. NELSON:

9 Q. Just if you can put the mailbox service
10 agreement, Exhibit 28, back in front of you. So the
11 signature on page four that's next to -- it's dated
12 next to what appears to be Theresa Lau, which she
13 testified was her signature. It was dated July 25,
14 2018. Do you see that?

15 A. Talking number 19?

16 Q. Yeah. Yeah. Exactly.

17 A. Yes.

18 Q. Okay. And the reason why this UPS box was
19 obtained in Portland in July of 2018 was because of
20 the flurry of customs seizures that were occurring
21 in Reno, correct?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 MR. NELSON:

2 Q. And -- and we looked through those earlier,
3 and we don't need to look at them again. But it was
4 clear to you that -- that CBP was on to you with
5 regard to using a Reno address to import counterfeit
6 Cisco products, correct?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. So to stop the intrusion of customs seizing
12 counterfeit Cisco products, you moved your
13 operations -- at least the receiving part of the
14 operations to Portland; isn't that true?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. Now ADSI was importing products on a
20 regular basis from China all throughout the time
21 period we're talking about: 2016, 2017, 2018.
22 Correct?

23 MR. PARKHURST: I'm instructing my client
24 not to answer that question pursuant to his Fifth
25 Amendment privilege.

1 MR. NELSON:

2 Q. Not everything got detained by customs, did
3 it?

4 MR. PARKHURST: I'm instructing my client
5 not to answer that question pursuant to his Fifth
6 Amendment privilege.

7 MR. NELSON:

8 Q. For all of the seizures that took place,
9 there were hundreds and hundreds of shipments that
10 made it through, was -- weren't there?

11 MR. PARKHURST: I'm instructing my client
12 not to answer that question pursuant to his Fifth
13 Amendment privilege.

14 MR. NELSON:

15 Q. And once they made it through and got down
16 to Fremont, ADSI then sold them to various customers
17 in the United States, correct?

18 MR. PARKHURST: I'm instructing my client
19 not to answer that question pursuant to his Fifth
20 Amendment privilege.

21 MR. NELSON:

22 Q. And those customers included the federal
23 government, correct?

24 MR. PARKHURST: I'm instructing my client
25 not to answer that question pursuant to his Fifth

1 Amendment privilege.

2 MR. NELSON:

3 Q. Included the U.S. Army?

4 MR. PARKHURST: I'm instructing my client

5 not to answer that question pursuant to his Fifth

6 Amendment privilege.

7 MR. NELSON:

8 Q. Included the U.S. Navy. You know that?

9 MR. PARKHURST: I'm instructing my client

10 not to answer that question pursuant to his Fifth

11 Amendment privilege.

12 MR. NELSON:

13 Q. Included the USDA; the U.S. Department of

14 Agriculture. Included them too, didn't it?

15 MR. PARKHURST: I'm instructing my client

16 not to answer that question pursuant to his Fifth

17 Amendment privilege.

18 MR. NELSON:

19 Q. And you know that -- that Cisco has
20 obtained from these end customers information about
21 their -- their products. You know that, right?

22 MR. PARKHURST: I'm instructing my client
23 not to answer that question pursuant to his Fifth
24 Amendment privilege.

25 ///

1 wouldn't you?

2 MR. PARKHURST: I'm instructing my client
3 not to answer that question pursuant to his Fifth
4 Amendment privilege.

5 MR. NELSON:

6 Q. Did you care when this was happening?

7 MR. PARKHURST: I'm instructing my client
8 not to answer that question pursuant to his Fifth
9 Amendment privilege.

10 MR. NELSON:

11 Q. You saw -- you saw seizure notice after
12 seizure notice showing that customs was seizing
13 these products coming in from China to your company
14 over and over and over again, didn't you?

15 MR. PARKHURST: I'm instructing my client
16 not to answer that question pursuant to his Fifth
17 Amendment privilege.

18 MR. NELSON:

19 Q. And yet you persisted, didn't you?

20 MR. PARKHURST: I'm instructing my client
21 not to answer that question pursuant to his Fifth
22 Amendment privilege.

23 MR. NELSON:

24 Q. Did you ever think about alerting the
25 customers that the products may be counterfeit?

C E R T I F I C A T E

STATE OF CALIFORNIA)
) ss:
COUNTY OF SACRAMENTO)

I, TAMMY MOON, CSR No. 13184, Certified
Shorthand Reporter, do hereby certify:

That KAMRAN SHEIKH, the witness whose
deposition is hereinbefore set forth, was duly sworn
by me and that such deposition is a true record of
the testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage; and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 3rd of March, 2020.

Tammy Moon

Tammy Moon, CSR No. 13184, CRR, RPR